30th Congress, 1st Session. [SENATE.] Executive, No. 62.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the Senate, calling for the proceedings of the court of inquiry convened at Saltillo, Mexico, January 12, 1848, for the purpose of obtaining full information relative to an alleged mutiny at Buena Vista, about the 15th August, 1847.

JULY 12, 1848.

Read, and ordered to be printed.

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 21st June, 1848, I herewith communicate to the Senate, a report of the Secretary of War, with the accompanying documents, containing "the proceedings of the court of inquiry which convened at Saltillo, Mexico, January 12, 1848, and which was instituted for the purpose of obtaining full information relative to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th of August, 1847."

JAMES K. POLK.

WASHINGTON, *July* 12, 1848.

WAR DEPARTMENT,
Washington, July 11, 1848.

SIR: I have the honor to acknowledge the reference to this department of the resolution of the Senate of the 21st ultimo, and to transmit, herewith, a copy of "the proceedings of the court of inquiry, which convened at Saltillo, Mexico, January 12, 1848, and which was instituted for the purpose of obtaining full information relative to an alleged mutiny in the camp of Buena Vista, Mexico, on or about the 15th of August, 1847, which led to the death of one of the soldiers, by the hand of Colonel Paine, of the regiment of North Carolina volunteers, and for the purpose of investigating the facts connected with the dishonorable discharge of certain officers of the North Carolina volunteers." The resolution is herewith returned.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

TO THE PRESIDENT OF THE UNITED STATES.

Proceedings of a Court of Inquiry, convened, by virtue of the following orders, at Saltillo, Mexico.

ORDERS, No. 13. } HEAD-QUARTERS, ARMY OF OCCUPATION, *Monterey, Mexico, December* 20, 1847.

The President of the United States, in a communication from the Secretary of War, of October 18th, and in one of October 25th, 1847, directs that a court of inquiry be instituted, for the purpose of obtaining full information in relation to an alleged mutiny, said to have taken place in the camp at Buena Vista, Mexico, on or about the 15th of August, 1847, which led to the death of one soldier, and the wounding of another, by the hands of Colonel Paine, of the North Carolina volunteers; and to investigate the facts and circumstances connected with the dishonorable discharge of First Lieutenant Josiah S. Pender, First Lieutenant George E. B. Singletery, private Jason Hunter, company A, of the North Carolina regiment of volunteers, and private Thomas King, of company G, Virginia regiment of volunteers, in orders No. 404, issued by Brigadier General Wool, dated 16th of August, 1847.

A court of inquiry will, therefore, assemble at Saltillo, Mexico, at 10 o'clock, a. m., on the 12th of January, 1848, or as soon thereafter as practicable, and will investigate all the facts and circumstances, and give an opinion on all the points referred to in the above mentioned communications. It will be composed as follows:

Colonel R. E. Temple, 10th infantry; Colonel John W. Tibbatts, 16th infantry; Major Lewis Cass, jr., 3d dragoons.

Captain James H. Prentiss, 1st regiment of artillery, is appointed judge advocate.

By command of Brigadier General Wool:

IRWIN McDOWELL, *A. A. G.*

The following are the orders of the President, referred to in the above orders of Brigadier General Wool:

WAR DEPARTMENT, *Washington, October* 18, 1847.

SIR: The accompanying order, No. 404, issued by Brigadier General Wool, at Buena Vista, 16th day of August last, as it dismisses two commissioned officers and two privates from the service of the United States, is deemed to be of such a character as to render it proper that it should have been submitted to you for such action as, under the peculiar circumstances of the case, you might have seen fit to bestow upon it; but this does not appear to have been done. Without expressing a definitive opinion on the course pursued, and without scarcely any knowledge of the unhappy occurrences which preceded and led to the issuing of that order, the Presi-

dent has directed me to transmit it to you for such action as you may deem proper to give it. I am also directed by him to send you a copy of a letter addressed by First Lieutenant Pender, of the North Carolina regiment of volunteers, tendering his resignation and assigning his reason for not making his application for his discharge in the usual manner. From these two communications it appears that occurrences, much to be regretted, have taken place in the camp at Buena Vista. To the end that full information may be obtained in relation to the alleged mutiny and the homicide, which appears to have resulted from it, the President directs you to institute a court of inquiry to investigate all the facts and circumstances of the transactions alluded to, and desires that the proceedings of the court may be forwarded, at your earliest convenience, to this department.

I have the honor to be, very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General Z. TAYLOR,
Commanding Army of Occupation, Monterey, Mexico.

WAR DEPARTMENT,
Washington, October 25, 1847.

SIR: You will perceive by an order herewith sent, issued by direction of the President, that he entirely disapproves of the division order, No. 404, put forth by General Wool, dated 16th of August last, whereby First Lieutenant Josiah S. Pender, First Lieutenant George E. B. Singletery, Private Jason Hunter, company A, of the North Carolina regiment, and Private Thomas King, of company G, Virginia regiment, are, without trial, and for aught that appears, without being heard, *dishonorably discharged* from the service of the United States, and he has ordered them to return to their respective regiments and companies. The right of General Wool to issue such an order may well be questioned. The warrant for such a procedure is not found in the rules and articles of war, or in the laws of the land, nor is it sanctioned by any usage of the service which has come to the knowledge of this department. It is a proceeding repugnant to the most obvious dictate of justice, which requires that every person under accusation for a crime should have the benefit of a trial—should have an opportunity to be heard in his defence, before he is branded with the ignominy of being guilty; and more particularly is it so, if the crime, as in this case, is one which merits the punishment of death, and reflects on the accused an infamy that abides with them through life, and becomes an inheritance of dishonor to their posterity. It is not proposed by the President, in this or any case, to do any thing to relax the salutary rules of discipline in the army, but to uphold them and give all needful countenance and support to those whose unpleasant duty it is to enforce them. The officers and men, dismissed by the order referred to, are not sent back to the army

with the expectation or desire that any offences they may have committed should be overlooked, but for the purpose of giving an opportunity to deal with them as they shall have deserved. It is only in this way that the imputation of crime passed upon them, if unfounded, can be effectually rebutted. If guilty of what is charged in the order, let them be punished by sentence of a court martial. As their dismissal was unauthorized, it will constitute no obstacle to proceedings against them in the usual mode of trial. The transactions, from which this dismissal resulted, are of a character to arrest public attention, and particularly the attention of the government, and call for a careful scrutiny. It concerns all who have had any direct participation in them, that full investigation should be made, and all the facts incorporated into an authentic record. It is for this reason that the President has directed, as I notified you in my communication of the 18th instant, that they should be made the subject of a court of inquiry.

It seems that a state of things existed in the camp of Buena Vista, which, in the judgment of General Wool, authorized him to dismiss, summarily, and without trial, officers and men from service, stigmatized in a public order as participants in one of the highest and most infamous military offences. It is of the utmost importance to this officer of high military rank and distinguished services, that this matter should be fully investigated; nor is it of less importance to Colonel Paine, commanding officer of the North Carolina regiment, that he should have the facts and circumstances which led to the death of one soldier and the wounding of another by his own hands, thoroughly investigated and authentically established. To this subject it is requested that the inquiries of the court should be particularly directed.

While the government feels itself bound, from high considerations connected with the best interests of the service, to sustain all officers in the rightful exercise of their proper authority, it is bound by an equal obligation to guard the rights of those subject to their command, and to afford them protection against oppression and wrong.

The government has, I trust, been careful not to give more than due consideration to the complaints of those who feel aggrieved, and to the representations of others who sympathize in their supposed injuries; and, under a sense of duty, it could not do less than to call for a full inquiry into them. To show that these complaints and representations came in such a shape, and so vouched, as to command the attention of the President, and, also, in order to bring to your notice the persons whom it may be proper to examine as witnesses, I send you copies of some of the communications which have been addressed to the President, and to this department, on the unfortunate occurrences herein referred to.

I have the honor to be, very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Major General Z. TAYLOR,
Commanding Army of Occupation,
Monterey, Mexico.

FIRST DAY.

SALTILLO, MEXICO, 10 o'clock, p. m.,
Wednesday, *January* 26, 1848.

The members having arrived on the 25th, the court assembled pursuant to the above orders. Present:

Colonel R. E. Temple, 10th infantry;

Colonel John W. Tibbatts, 16th infantry;

Major Lewis Cass, jr., 3d dragoons.

Captain J. H. Prentiss, 1st regiment artillery, judge advocate, recorder.

The judge advocate, recorder, having read the orders convening the court, the members were duly sworn by him, and he by the president of the court.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

SECOND DAY.

SALTILLO, MEXICO,
Thursday, *January* 27, 1848.

The court met pursuant to adjournment, all the members present. In consequence of the indisposition of the judge advocate, the court adjourned to meet to-morrow morning, at 10 o'clock, a. m.

THIRD DAY.

SALTILLO, MEXICO,
Friday, *Janury* 28, 1848.

The court met pursuant to adjournment; all the members present. In consequence of the continued indisposition of the judge advocate, the court adjourned to meet to-morrow at 10 o'clock, a. m.

FOURTH DAY.

SALTILLO, MEXICO,
Saturday, *January* 29, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

Colonel R. T. Paine, North Carolina volunteers, having been requested by the court to furnish them with a list of the witnesses he deemed necessary, to substantiate the alleged mutiny in the camp at Buena Vista, on the 15th of August, 1847,

Captain S. Singleton, N. C. regiment, was called at his instance, and being duly sworn, testified as follows:

About dusk on the evening of the 15th of August, 1847, (at which time I was adjutant of the regiment of N. C. volunteers,) a number of men of the Virginia and Mississippi volunteers were passing, in groups of two or three, along the street in front of the officer's tents of the encampment of the North Carolina volunteer regiment at Buena Vista. At about 8 o'clock the same evening, I heard it reported that stones had been thrown at the colonel's tent, (Colonel Paine's;) immediately on hearing it, I went up towards the colonel's tent, and met him; he told me to put on my sword; asked me if I had pistols; I did so, and went through different streets of the camp, and continued to walk about in different parts of the camp until taps; soon after taps I was standing in the main street with Colonel Paine; several others were present, but I only recollect Lieutenant White. There were a number of rocks, or other "missiles," fell near us, apparently coming from K company's camp, (Captain Tipton's company, but he being sick, 1st Lieutenant Israel was in command; 2d Lieutenant Goodson belonged to the company, but he was also sick.) I then left the street and went up to Captain Kirkpatrick's tent. While standing in the door of his tent, the colonel (Paine) came up and stated that there were a number of the Virginia regiment forming on our right flank, near the Lieut. Colonel's tent. I think he was speaking to Lieutenant Singletery; I am not certain he was speaking to him, but I heard him give Lieutenant Singletery an order to bring up a party of twenty men, with the object, as I supposed, of dispersing the collection of Virginians; I don't know, however, that he gave that order to disperse them. The colonel left, going down towards the right flank, and Lieutenant Singletery towards the left, where his company was stationed. About five minutes afterwards, before I had left the tent of Captain Kirkpatrick, I heard the report of a pistol, and the order from Colonel Paine to turn out. I immediately communicated the order to the companies on the left flank of the regiment, and then proceeded to the right flank. About D street, I think it was, I found the colonel (Paine) in company with a captain of the Virginia regiment; I think Captain Robinson. I was directed by the colonel to go and see how badly the man was wounded. I found the man shot through the body, but not dead; Bradley, of A company, N. C. volunteers. When I returned from the examination, I think I found General Cushing and his aid, Lieutenant Davis, with the colonel. In a short time General Wool came up, and Captain McDowell; after which they all went to the colonel's tent. In a short time I went to the colonel's tent, and inquired if it was necessary to keep the regiment longer under arms. The colonel said not, and I immediately gave orders for their dismissal. A quarter guard was then stationed at the colonel's tent, (a guard had been stationed there previously, but it was now increased.) The wounded man, (Bradley,) whom I was directed to examine, died the following morning. I heard there was another man wounded, but I did not see him.

Question by Colonel Paine. Do you know of any attempt to arrest those soldiers whom you say were going about the camp in bands; and by whom and at what time?

Answer. I saw the sergeant major, who had command of the guard at the colonel's tent, in pursuit of two men, who were running from the tent, and not more than twenty feet from it, when I saw them; one of them I judged, from his dress, to be a member of the Virginia regiment.

Question by Colonel Paine. What appeared to be the size of the rocks which you say were thrown when you and Lieutenant White and Colonel Paine were standing together in the main street of the camp?

Answer. I could not see them, it was too dark, but from the noise they made in striking the ground, they must have been large enough, any one of them, to kill a man, had it struck him.

Question by Colonel Paine. Did Lieutenant Singletery bring the twenty men, as ordered, to the colonel's assistance?

Answer. No, he did not.

Question by Colonel Paine. Did Lieutenant Singletery report, that night, the reason of his not complying with the order to bring the men?

Answer. He never made any report; but, I think, when I was going to dismiss the regiment, he inquired of me whether the colonel still wanted the men from his company, (Lieutenant Singletery's,) and I replied that I presumed not. The regiment had been under arms fifteen to twenty minutes.

Question by Colonel Paine. What reply, if any, did Lieutenant Singletery make to you, when you told him that you did not think the colonel then wanted the men?

Answer. I think his reply was, he was very glad of it, or something to that amount; I don't recollect exactly his words.

Question by Colonel Paine. Was that the whole of Lieutenant Singletery's reply?

Answer. No; I think he went on, and we had a conversation of one or two minutes, during which I understood him to say he was glad the men were not wanted, for he doubted whether they would come, or obey the order readily. I gathered this form his conversation, but I don't recollect his words.

Question by Colonel Paine. Had any precaution been taken to stop all communications between the North Carolina and the other regiments, previous to my order to dismiss the companies of the regiment who were under arms?

Answer. Yes; a chain of sentinels had been posted between the two regiments, which was kept up during the night.

Question by Colonel Paine. When you went to see the wounded man, by order of the colonel, as you stated, was the company A, of which you said he was a member, under arms.

Answer. I don't recollect. I went immediately to the tent of the wounded man; there was a crowd about the door, and I did not observe whether the company was under arms or not.

Question by Colonel Paine. Did you see in the street of A com-

pany at that time, soldiers of any other than the North Carolina regiment; and how long had the companies then been ordered under arms?

Answer. I can't say that I did; as I before stated, I went immediately to the tent, and paid no attention to what was going on, further than to the circumstances that there was a great crowd about the tent. The regiment had been ordered under arms between five and ten minutes.

Question by Colonel Paine. Had the chain of sentinels, which you said were posted between the regiments, been then formed?

Answer. I think not, but am not positive.

Question by Colonel Paine. Who was the commanding officer of A company, and where was he when you went to see the wounded man.

Answer. The commanding officer of A company was Lieutenant Pender, at that time on the sick report, and I don't know that I saw him that night at all; don't recollect that I saw him.

At this stage of the proceedings, the suggestion having been made by a member, the court ordered that such of the parties interested in the investigation in progress, as were before the court, viz: Colonel Paine and Lieutenants Singletery and Pender, North Carolina volunteers, should have the privilege of challenging the members of the court, and that afterwards the court should be sworn in their *presence*. Accordingly, each of these gentlemen was asked by the judge advocate, whether he had any objection to any of the members of the court, and the reply, on the part of all, being in the negative, the court was sworn in their *presence*. They were then asked, by direction of the court, if they waived any technical objection, which *possibly* might hereafter arise, to the proceedings of the court thus far; to which they severally answered in the affirmative.

In the course of this day's proceedings Lieutenant Pender requested to be allowed to introduce counsel; which request being granted by the court, Private Christopher C. Battle, of company B., North Carolina volunteers, appeared in his behalf.

The court adjourned to meet on Monday, January 31, at ten o'clock, a. m.

FIFTH DAY.

SATILLO, MEXICO,
Monday, January 31, 1848.

The court met pursuant to adjournment; the members and judge advocate present.

Examination of Captain Singleton continued:

Question by Colonel Paine. Had you seen Lieutenant Pender at any time on the afternoon of the 15th August, and at what time and where, and what was the apparent condition of his health?

Answer. I saw him on the afternoon of the 15th August; he was walking about, but was complaining of being sick with an affection of the stomach, and talked to me about it. I don't recollect seeing him but once that evening, and that about parade, near the quartermaster's tent.

Question by Colonel Paine. Did you hear any threats made, and by whom, against Colonel Paine, on the 15th of August?

Answer. No; I heard no threats that day.

Question by Colonel Paine. Do you know when, on the 15th of August, the guard was first posted about Colonel Paine's tent; and do you know if any difficulty existed in getting a guard?

Answer. I can't tell the hour exactly the guard was posted, but it was about tatoo when I first knew of it. There was a difficulty in getting the guard; some of the men refused. There was a call on K company for a guard, and, when in ranks, at tatoo, the colonel himself went into the street of the company, marched the company to the adjutant's office tent, and made a detail from the *left* of the company, I believe, but won't be certain. There was also a difficulty in getting non-commissioned officers from H company, commanded by Lieutenant Singletery. A detail for them was made on the company, but not complied with; for what reason, I was not informed.

Question by Colonel Paine. Do you know if any difficulty existed in augmenting the quarter guard, after the regiment was called under arms that night?

Answer. Yes; that was the occasion when the difficulty occurred in obtaining the detail referred to in my last answer.

Question by Colonel Paine. Who was the commanding officer of the company from which Lieutenant Singletery was ordered to bring the twenty men; and what is the letter and what was the position of that company in camp; and who and where was the captain of that company?

Answer. It was Captain Price's company, but Lieutenant Singletery was commanding it at the time. The letter is H. Stationed on the extreme left of the camp. The captain was on the recruiting service.

Question by Colonel Paine. How far was Lieutenant Singletery from his company quarters when the order was given to him to bring the twenty men to the colonel's assistance?

Answer. He was in the third company from his quarters; not over sixty yards distant, I should think.

Examination of witness by Lieutenant Singletery.

Question by Lieutenant Singletery. Was it not usual for the Virginians and Mississippians to take the walk you speak of every evening?

Answer. They were in the habit of walking in that partic street; the crowd that evening was unusually large.

Question by Lieutenant Singletery. Have you any reason t

lieve that any members of the North Carolina regiment were engaged in throwing stones at Colonel Paine?

Answer. I saw no one throw stones, and have no other reason for supposing that stones were thrown, by members of the North Carolina regiment, than that they came from the direction of company K's grounds.

Question by Lieutenant Singletery. When Colonel Paine called on me for the party of twenty men, did he not use the words, "Bring them yourself, or send them with your first sergeant?"

Answer. I don't remember of his using such an expression. I was not particularly attentive to the language he used.

Question by Lieutenant Singletery. When you came to my company quarters, to order the company out, did you not *find* me in command of the company, *under arms?* and what *then* passed between us concerning the guard the colonel had called for?

Answer. I saw Lieutenant Singletery in the street of the company, and the company was "falling in;" I don't think anything passed between us at that time.

Question by Lieutenant Singletery. Was it not very dark at the time the stones were thrown, and how far could you have recognized any one?

Answer. It was quite dark; I don't know how far a person could have been recognized. It was not moonlight.

Question by Lieutenant Singletery. Could you have recognized any one at the distance of ten feet?

Answer. I could.

Question by Lieutenant Singletery. Did Colonel Paine consult with his officers, generally, with regard to the alleged mutiny? and did Colonel Paine, to your knowledge, ever consult with them on any subject?

Answer. I don't know.

Examination of witness by Lieutenant Pender.

Question by Lieutenant Pender. Was the guard, previous to the firing of a pistol, placed for the personal protection of the colonel, or was it to guard the wooden horse?

Answer. I don't know indeed; I never made the inquiry.

Question by Lieutenant Pender. Do you not know that my health was, at the time of the occurrences on the 15th August, and had been, for sometime, quite bad?

Answer. I know that he consulted with me, and I prescribed for him; he was sometimes sick, but never very ill.

Question by Lieutenant Pender. Were there any orders given as to the burial of Bradley, and what were they?

Answer. He was to be buried without military honors; such were the orders I received as adjutant.

Question by Lieutenant Pender. Had a guard been posted before the colonel's tent, previous to the firing of the pistol?

Answer. There had.

Question by Lieutenant Pender. Had I not been laboring under

jaundice, since I left Camargo, and previous to my discharge, threatened with dyspepsia?

Answer. He had dyspepsia at the time of his discharge; I was not with him until the second or third July. From his own account of his case, I supposed his then complaint had arisen from the jaundice; I was acting as assistant surgeon at the time referred to by me.

Lieutenant Singletery here submitted to the court two papers, hereto appended, marked A and B, and requested that he be permitted to examine the witness, in regard to the contents of said papers, and bring other testimony to prove their authenticity; whereupon, at the suggestion of the judge advocate, the court was cleared.

On being re-opened, the decision of the court was announced: That they would permit the said papers to be appended to their proceedings; and that the applicant should be permitted to examine this witness, and any other, in relation to these papers.

Question by Lieutenant Singletery. State if paper A, now appended to the record, is in your hand-writing? If paper B, now also appended to the record, is one of the papers referred to as enclosed in paper A, and state further, whether or not you did not pronounce the statement B correct? And did not all this occur about the 28th August, 1847?

Answer. Paper A is in my hand-writing. I believe paper B is one of those referred to in paper A. The paper B was read to me by Lieutenant Singletery, together with a number of other papers, at Saltillo, in the latter part of August; he asked me to sign that paper B, or give him a copy in my own hand-writing; desired me to take that and the other papers to camp with me. I did so; and, on arriving in camp, I consulted with Major Stokes, by whose advice I sent the papers back without examining them myself. I think Major Stokes had all the papers in his hands except B. I am not certain that I pronounced the paper B correct, in our conversation at Saltillo—most likely I did. I had but a short conversation with Lieutenant Singletery on the occasion referred to.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

SIXTH DAY.

Saltillo, Mexico,
February 1, 1848.

The court met pursuant to adjournment: all the members and judge advocate present.

The proceedings of the previous day being read over, the examination of Captain Singleton was continued.

Question by Colonel Paine. Will you state if any occasion has occured when it was necessary to call a council of officers of the North Carolina regiment?

The question being objected to by a member, the court was

cleared. On being re-opened, their decision was announced, that the question should be put.

Answer. None in my opinion.

Question by Colonel Paine. Do you know of any combination or combinations amongst the officers or soldiers of the North Carolina regiment against Colonel Paine, and if so, state at what time these combinations existed, and amongst what officers and soldiers of the regiment?

Answer. No; I know of none.

Question by Lieutenant Singletery. Upon reading paper B at this time, are you, or not, of opinion that it contains a correct statement of the transaction referred to, and, if not, in what does it vary from the truth?

Answer. After perusing paper B, witness stated that he does not think the conversation referred to in the paper as having taken place between himself and Lieutenant Singletery, at the time he went to order out Lieutenant Singletery's company, occurred.

Question by Lieutenant Singletery. State whether or not my conduct as an officer during the whole of your acquaintance with me tended, in any instance, to encourage insubordination?

Answer. I don't know that it did. I was not intimate with Lieutenant Singletery. I had not been long with him then.

Question by Lieutenant Pender. Having been acquainted with me since the formation of the regiment, what has been my conduct as an officer and disciplinarian?

Answer. I have never known anything to the contrary of Lieutenant Pender's being a good officer. We were together until after our arrival at Camargo, and afterwards for a short time at Buena Vista, before the occurrences of the 15th of August last, about a month.

Question by the court. What other papers besides the one marked B were enclosed by you in paper A, when you sent it to Lieutenant Singletery?

Answer. They were certificates for the signatures of officers of the North Carolina regiment as to the character of Lieutenant Singletery as an officer.

Question by the court. Who discharged the pistol on the evening of the 15th of August, to which you have referred in your testimony?

Answer. I don't know.

Question by the court. What was your impression at the time as to the character of the occurrences at the camp of the North Carolina regiment at Buena Vista, on the night of the 15th August last? Did you think there existed an intention on the part of the individuals engaged in these transactions to resist lawful authority? and what appeared to be the general impression in camp upon the subject, so far as you could judge?

Answer. I thought the conduct of individuals engaged, who belonged to the North Carolina, Virginia, and Mississippi regiments, in the disturbances of that night was mutinous. At the time I did not suppose any officers were engaged in the mutiny. I believe

the general impression among the officers was that there was no mutiny.

Question by the court. Have you considered the conduct of any of the officers of the North Carolina regiment towards Colonel Paine, at any time, to be of a mutinous character?

Answer. I can't say that I have.

Question by the court. Please state to the court, whether to your knowledge there was any disaffection or seditious or mutinous conduct or disposition to resist proper authority on the part of any member or members of the North Carolina, Virginia, or Mississippi regiments, previous to the disturbances on the evening of the 15th August; and if there was, what was the nature of it, and who were concerned in it?

Answer. The afternoon previous, there was much disorder and disorderly conduct among the Virginia and Mississippi regiments. They came into the North Carolina camp and destroyed a wooden horse which was near the tent of Colonel Paine, making a good deal of noise. Previous to that, I heard a good deal of dissatisfaction expressed by officers and men of the North Carolina regiment towards Colonel Paine. They thought him too strict and severe in his discipline. Their expressions were not seditious nor mutinous—merely those of dissatisfaction.

Question by the court. Has Colonel Paine's official conduct towards the officers of his regiment furnished them, in your opinion, with any just or legitimate grounds of dissatisfaction with his authority?

Answer. I think not.

Question by the court. What was the general character of the officers and men of the North Carolina regiment for subordination?

Answer. They were thought to be highly subordinate; in fact, such was the remark of the whole line.

Question by the court. Was Colonel Paine's official conduct, in consequence of its severity, ever the subject of complaint among the officers themselves of his regiment, to your knowledge?

Answer. Yes; frequently.

Question by the court. Was it ever the subject of complaint to higher authority to your knowledge?

Answer. No; not to my knowledge.

Question by the court. Do you know, or have you ever heard, of any complaint of the conduct of Colonel Paine amongst the officers of the North Carolina regiment having been made to Colonel Paine, or through him to higher authority?

Answer. No, sir.

Question by the court. Were the officers whom you met during the occurrences of the night of the 15th August, indifferent spectators of the disturbances then existing, or did they seem anxious about the result?

Answer. I thought there was considerable anxiety about the result. I met but few of them. The anxiety was that the disturbances might be suppressed.

Question by the court. What officers were on duty at the time?

What officers sick and absent; and was the number of the sick and absent unusually great?

Answer. The number of sick and absent was unusually great. The officers on duty, as well as I can recollect, were: company A, Second Lieutenant Hyatt; company B, Second Lieutenant Thompson; company C, First Lieutenant Area, Second Lieutenant Slough, and Second Lieutenant White; company D, Second Lieutenant Keith; company E, Second Lieutenant McKevall and Second Lieutenant Staton; company F, First Lieutenant Johnson and Second Lieutenant Mitchell; company G, in Saltillo; company H, First Lieutenant Singletery and Second Lieutenant Yarborough, (on general guard;) company I, Captain Kirkpatrick; company K, First Lieutenant Israel. One of the above officers, whose name I cannot recollect, besides Lieutenant Yarborough, was on general guard. Colonel Paine was the only field officer present on duty. The rest of the officers of the regiment were either sick or absent.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

SEVENTH DAY.

SALTILLO, MEXICO,
Wednesday, February 2, 1848.

The court met pursuant to adjournment; all the members and the judge advocate present.

Colonel R. T. Paine, North Carolina volunteers, being duly sworn, gave the following narrative:

It was about dusk in the evening of 15th August, I was sitting in my tent; had just finished supper; Second Lieutenant Keith opened the door of the tent and asked me if I had observed the crowd of Virginians, who were passing about the camp and in front of my tent; I told him I had not, but would attend to it. He then left, and I immediately heard the tramp of a large crowd passing immediately by it, from the direction of the right of the camp. Judging from the noise, they turned around the tent to the rear. I then stepped out and found them just passing the rear of the tent. I put on my sword and stepped out, when I heard some insulting noises such as I had before been saluted with; perhaps the crowd was fifteen to twenty. I said nothing to them, but following on passed down the rear of the officers' tents towards the right flank, parallel with the crowd, As I passed the quartermaster's tent, on the right flank, I saw Lieutenant Pender and another officer, whom, at the time, I took to be the adjutant; they were sitting in the tent, I spoke to the officer I supposed to be the adjutant, and told him to come with me quickly, that I wanted to apprehend some of these men. This remark was made as I hurried past. I walked on until I got to the tent of the surgeon, on the left of the Virginia camp. I then, on looking round, saw the officer I had spoken to, passing from the quartermaster's tent to the tents of

company A, (about half way at the time,) and I then discovered he was not the adjutant. I kept on and passed the surgeon's tent, and then saw the crowd was coming in towards the line of officers' tents of the Virginia regiment. I was just in rear of that range of tents. I paused until the crowd got near, and approached them, intending to apprehend the foremost man as the leader, a very large man. Just before I met them, I heard a man on the right, and a little in the rear of the supposed leader say, that he had something to do with tearing down the horse the night before; I understood him to say, he had taken away some portion of it. I immediately confronted him, and ordered him to halt. He showed an evident disposition to disobey the order, and I then ordered the man next to him to take hold of him, and carry him before Colonel Hamtramck, colonel of the regiment. I saw that this man would not obey the order, and that both of them were making off, and I immediately seized them both by the collar. I held them until I told them they would go to their colonel. I told them I was field officer of the day, and that they should obey the order, or I would cut them down with my sword, and they went before me to the colonel's tent. Colonel Hamtramck came out, and I told him what had occurred, and that I had no doubt that the man (pointing to one of them) had been concerned in the riot in my camp the evening previous. The colonel immediately ordered him to be taken to the provost guard. While I was talking to him, the other man I had taken escaped in the crowd, which had, by this time, collected near the tent of the colonel of the Virginia regiment. I turned round to the crowd, and spoke of the outrage that had been committed by members of the Virginia regiment, in my camp the evening previous, and ordered them, both as colonel of the North Carolina regiment and field officer of the day, not to come into my camp that night. I then returned into my camp; stopped at the quartermaster's tent; Lieutenant Pender was in there; spoke of what had occurred, and asked why the officer had not come, and he replied that the order was not understood; did not hear what I said, which I consider very probable, as I gave the order hurriedly in passing; said the officer was Lieutenant Hyatt, and had gone to his tent. I then went to the tent of Lieutenant Hyatt; he was there in the dark without a candle, and I asked him why he did not come when I called him; he said he thought I had inquired for the adjutant; I think I also expressed regret that he did not come, as I had had occasion for his services; to which he replied, he would have come had he known that I wanted him. I spoke immediately afterwards to several officers, of what had occurred during the evening, and then went into my tent and commenced writing, first giving my principal musician instructions to inform me if he observed any collection of Virginians about the camp. I had not thought there would be any futher disturbances, supposing the measures I had adopted would stop them.

Not long afterwards, however, my tent was stoned, and I then immediately ordered the sergeant major to have a quarter guard

detailed and posted in the rear of my tent, of which guard he was put in command. Between the time of giving the order and his making a report to me, the stones were thrown at me, or my tent. I was at the moment standing outside my tent ten or fifteen feet in front; immediately after this, I saw several soldiers, whom I took to be Virginia volunteers, passing from the left along the company officer's streets towards the right. I ordered them to halt, they paid no attention to it, and I pursued them, they paying no attention to me, but, on the contrary, cursing me as they ran towards the Virginia camp. There were not more than three, four, or five, in the party. I judged that the stones came from the left wing, both from the direction and from my hearing of the noise. I had pursued these men nearly opposite the lieutenant colonel's tent of my regiment. (He was very sick at the time.) I went in the tent for two or three minutes, came out, and, as I was going to my tent, saw two men passing along the company officer's line of tents, whom I ordered to halt. They kept on, and started to run along the line in front of officer's tents, towards the right wing. I was at that time ten or fifteen paces in rear of the officer's tents. Going into the line of officer's tents, I ordered them to halt, or I would fire. They continued to run fifteen or twenty yards further; they were then some forty or fifty yards distant. I could only see them by the light of the camp fires in the Virginia regiment. I then went to my camp and continued writing a letter which I had been engaged upon. The sergeant major came into my tent and reported that he had the guard, with the exception of the detail from K company, and that that detail had refused to obey the order, and that he had directed the first sergeant to report to me. The first sergeant came to my tent, reported to me the men refused to turn out for guard, and that there was a man there from A company, by the name of *Hunter*, (who was afterwards dishonorably discharged by General Wool, and is one of the men named in the order convening the court,) dissuading the men from turning out, telling them that they were damned fools if they turned out; that his company had agreed not to turn out, or that they would not turn out. I asked the sergeant if he had reported this to his officer. He told me his officer was then trying to get the men out, but he could not get them to obey him. I told him to go immediately back to his company, and to send every man to the provost guard who refused to turn out on guard. Not long afterwards, perhaps ten to fifteen minutes, I went out of my tent to company K, (Lieutenant Israel in command,) to see if my order had been executed. I saw the sergeant, and asked him if he had made a detail; said he had not succeeded; asked him if he had sent the men, who had refused to obey, to the provost guard; said he could not make his men take them. They refused to take them there. I asked him where they were. He said that one of them had gone off, could not be found; the other man was there, standing ready with his gun. I then told him to call upon any of those standing around to assist in taking that man to the provost guard; to call upon them by name. He called then upon a man by the name of Na-

than Tathum, (private of K company,) and ordered him to get his arms and assist in taking those men who had refused to turn out for guard, or refused obedience to the orders which had been given. The sergeant went with this man towards the front of the company, and remained absent about two or three minutes. The sergeant told me the man refused to take his arms. I went down to where the man was; he was standing by a stack of arms. I asked him what he meant by this conduct; he made no reply—stood sullen. I ordered him to take his arms instantly from the stack, and take those men to the provost guard, or assist in doing it. He made no reply, or motion to obey the order. I drew my sword and suspended it over his head, and told him if he hesitated one instant, I would cut him down. He then took his arms from the stack in a sullen and insubordinate manner, throwing cartridge boxes and canteens in his way from the stack in a petulant manner upon the ground. While he was putting on his accoutrements, I returned my sword to the sheath, and he immediately took his musket, and, reversing it, rudely and violently stuck the bayonet in the ground. Instantly I drew my sword and told him beware, that it was the last warning I should give him; that, if he hesitated an instant longer to obey the order I had given, I should cut him in two. He then instantly shouldered his musket and assisted in carrying the men to the guard, except one who had escaped and could not be found. The first call for tattoo was then sounding.

The court adjourned to meet to-morrow, at 10, a. m.

EIGHTH DAY.

SALTILLO, MEXICO,

Thursday, *February* 3, 1848.

The court met pursuant to adjournment: present all the members and judge advocate. The narrative of Colonel R. T. Paine, North Carolina volunteers, continued:

This company K was turning out for tatoo roll-call; I remained for the purpose of observing whether there was any disorder, as well as to see if the man who had escaped would answer to his name. He did answer in the ranks towards the left of the company. I placed myself immediately behind him, and as soon as the roll-call was finished, ordered him to be carried to the provost guard, which order was readily obeyed. The prisoner, according to my direction, deposited his gun and accoutrements by the tent immediately in front of him, making use of some insubordinate language, which I do not now recollect. I ordered him to cease speaking, and he went off without further remark, until he had passed the left of the company, when he turned, and, addressing himself to the company, said, "boys, if you are men of your words, you will stand up to it," or to me, I am not positive which. I immediately turned round and commenced with the orderly ser-

geant, asking him, and each of the non-commissioned officers of the company, what this meant; if they knew or had heard of any agreement among the men to resist my authority. Each of them denied knowing anything about it. I then turned to the company, and said I would find out what valiant men there were here, who would stand up to the man who had just been arrested and sent to the provost guard. I directed the orderly to take his roll, and commence at the left of the company, calling the names of the men by files, and ordered him to mark each man's name who had answered. He did so, and as they answered to their names I gave the order to each couple to go to the rear of the adjutant's office tent, and report to the sergeant major. After the roll had been called, I directed the sergeant to require the presence of the men in the rear of the office tent, which was done, and all the men answered to their names. I took the candle from his hands, and examined the men from the right to the left of the company; asked him the names of the two men on the extreme left, and detailed them myself on guard, and dismissed the company, ordering them to remain in their tents. I then went to my tent, and had been in it but a moment, when stones were thrown against it. I sent for Sergeant Getsinger, of company E, and gave him orders to go to the front of the encampment and ascertain, if possible, who threw these stones. I would here state that, at this time, I had some doubt who the persons were who were engaged in these mutinous acts, and sent this sergeant, (Getsinger,) in whom I had great confidence, to ascertain who the persons were that were throwing the stones. I then went myself into the right wing of the encampment, and ordered all the men whom I saw out of their tents to go instantly to their tents, and not leave them during the night. I spoke in a tone of voice that might be heard by the companies. I intended the whole company should hear me; and I cautioned them of the danger of being out, particularly. I think "taps" were now sounded; I won't be certain whether I then went to my tent or not; but I, about this time, met Lieutenant White, who had during the evening manifested a desire to stop these irregularities. I had frequent conversation both with him and the adjutant, they having manifested a desire to put a stop to the irregularities then going on. While I was talking with him at the head of the main street, a large stone was thrown, which, I think, struck the leg of Lieutenant White's pantaloons, and I remarked to him he had better stand apart; that he was in dangerous company. This rock appeared to come from the direction of K company, (so I judged from the noise.) I very soon left him and went through the right wing of the camp to see if any men were out of their tents. I saw a man, either of D or E company, walking towards the officers' tents of that company, and he told me he was going to the officers' tent. I ordered him immediately back to his own tent, and told him I would send the next man to the provost guard whom I caught out of his tent. Going through the right wing of the camp I went to the front, passed along towards the left wing and found Sergeant Getsinger, and inquired of him if he had seen anything. He told me he had seen

one man out of company H, but he did not think he had thrown any stones. He heard some stones fall, which he had supposed came from the rear. I then dismissed him, thinking everything would remain quiet. I remained there a few moments myself, and passed up the streets of company B or F, I am not positive which; I stopped at the tent of Captain Kirkpatrick, the 4th company from the left; I there saw Lieutenant Singletery, Captain Kirkpatrick and Lieutenat Dunham, the latter sick in bed; had a conversation then, of a few moments, passed on; stopped at the tent of Captain Shive, who was then dying. While I was there, one of the musicians ran up to me and told me a large crowd of Virginians was coming up towards the right flank, that they had stopped somewhere near the lieutenant colonel's tent, (Lieutenant Colonel Faggs). I then saw Lieutenant Singletery, near or at the tent of Captain Kirkpatrick, called upon him to bring immediately to my tent twenty men from his company, telling him that this crowd of Virginians was coming up. He then left me and went of towards his company. I returned and stood at the tent of Captain Shive for a few moments. I neither saw or heard that there were any preparations to get the men I had called for. I then went to my tent, perhaps for five minutes, anxiously expecting Lieutenant Singletery to arrive; I heard nothing of him, and concluded I would go down to the right, where I had learned the crowd were and see what they were after, believing them to be in rear of the lieutenant colonel's tent. I passed along close in rear of the company officers' tents. As I opened upon the street of D company, the second company from my tent, on the right wing, I came suddenly on a large crowd, thirty persons at least, whom I took, from the uniform, to be Virginians; at all events, I knew they did not belong to the North Carolina regiment; some of them had on over coats; and the crowd were engaged in a conversation, or consultation, carried on in a low tone of voice. I challenged the crowd from where I stood, perhaps six or eight paces, and called "who stands there." At the first call they started; called a second time and received no answer. I then ordered them to halt, and I advanced towards them. I suppose I got within two or three steps of them, when the crowd began to break. I ordered them to halt, or I would fire. The crowd then commenced dispersing; went off in two bodies, a portion going to the right and a portion to the front. I ordered them repeatedly to halt, or I would fire; and when that portion of the crowd, which broke to the front, got nearly to the front of the company tents, a voice called out from the crowd, "fire, God damn you." I immediately discharged my pistol. As soon as the discharge of the pistol had been heard, some one immediately called out "ah, God damn him, he has shot me in the hand." I then, in a loud voice, called out the whole regiment under arms.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

NINTH DAY.

SALTILLO, MEXICO,
Friday, February 4, 1848.

The court met pursuant to adjournment.
Present: All the members, and judge advocate.

The narrative of Colonel Paine continued:

As soon as I gave the order for the regiment to turn out, I went immediately to the left wing, saw the men of company C, first Lieutenant Area, getting ready under arms; passed to the next company, I, and found Captain Kirkpatrick had his company under arms; I think he asked me what I should do; just at that time, I saw some persons moving just in front of his tent, and I directed him to take some men and see who they were, which he did very readily, and reported to me they were some of his men who had just come out of their tents. I then hurried back to the right wing, and observed Lieutenant Nichols, of D company, exerting himself to get his men under arms. I passed on to the extreme right, company A, and saw a large number of Virginians in the street, and called out, why these men were not driven out of camp. I saw no one under arms in that company. Lieutenant Pender was then the commanding officer of the company, and Lieutenant Hyatt the next. I turned immediately round, with the intention of bringing up Captain Kirkpatrick's company to expel these men from the camp, and had proceeded nearly to the left company of the right wing, when I was met by second Lieutenant Buck, (now Captain, who was then extra aid to General Cushing,) and he told me that Bradley, of his company, (A,) was shot. I gave him directions to have him taken to his tent. I then passed on and was immediately overtaken by Captain Robinson, Virginia regiment. I don't recollect what conversation passed on my part, but he said to me, don't go down to the right flank again or you will certainly be killed. I have understood that your life has been threatened. A short conversation then passed between us, in which I said I should certainly go to the right flank, when General Cushing joined us. We were at that moment walking towards the left wing of the camp. I was stopped by General Cushing, when Captain Robinson told him the advice he had given me from what he had heard, and the General then requested I would go into my tent, in front of which we were then standing. We went into the tent together, and just at that time General Wool and Captain McDowell came over, I won't be certain whether they came just before or after we entered the tent. A conversation then took place of what had occurred, and I spoke of going out of the tent, when the General told me there was no necessity for it; that he had given orders to have a line of sentinels placed between the camps, I think he said a chain between the several regiments.

I desired then to strengthen my quarter guard, and to get non-commissioned officers in whom I could place confidence, the sergeant-major being required for other services. Supposing Sergeant

Hardee of H company to be such a man, I directed him to be detailed. He refused to come; sent me word he was sick. I then sent the surgeon to examine to see if he was sick. He reported that the sergeant was not too unwell to perform duty. I then ordered Sergeant Webb of B company to be detailed, and he came, received his instructions, posted the guard agreeably to my orders, and took charge of it all night. After Sergeant Hardee had refused obedience to the detail, General Wool advised me to take a guard of regular troops, which I declined. After the guard was strengthened I went over with General Wool to his tent, General Cushing in company. Soon after arriving there I related the occurrences as they had transpired during the evening, and the general advised that I should remain at his quarters during the night. I declined doing so, because I did not wish to remain out of my regiment. I left the general's tent in company with General Cushing and Mr. Davis and an orderly, at a late hour; after twelve o'clock. General Cushing urged me to spend the night at his tent. I declined doing so, and he then insisted on sending his aid, Lieutenant Davis, to accompany me to my tent. I then called my orderly into my tent with his arms. I think, but I am not certain, that the sergeant-major remained in the tent during the night. I went to bed and every thing remained quiet during the night. I neglected to mention that when the guard was first posted over my tent, I ordered the sergeant-major to place the guard in rear and post the sentinels, one near the oven, and the other in the rear of the tent; to permit no one to pass except men of my own regiment, and to apprehend every one who approached the guard who did not belong to the regiment. Next morning at reveille I walked to K company. The men were at the time in ranks for reveille roll-call. I observed a very large man on the right of the company turn his face towards me, and with a malignant look. I walked up to him and asked him who he was. He replied interogatively, who am I? I rejoined, yes, what is your name? And he replied, Williams. I then asked him if he had been engaged in the mutiny of the night previous, and he replied, "yes, I was, if there was one." I immediately ordered him to be taken to the provost guard, and he was accordingly confined. After drilling my regiment the same morning, and when returning to my tent, I met Lieutenant David Johnson of my regiment, officer of the guard that day, and told him I desired some conversation with him after breakfast, and said that I must have more support from my officers than I had had last night. I understood afterwards that Lieutenant Johnson called that morning, but I did not see him. Not long afterwards a paper was presented to me requesting me to surrender my commission as colonel of the North Carolina regiment.

The court then adjourned to meet to-morrow at 10 o'clock a. m.

TENTH DAY.

SALTILLO, MEXICO,
Saturday, February 5, 1848.

The court met pursuant to adjournment. Present: all the members and judge advocate.

On motion of a member, the court adjourned over till 10 o'clock a. m. Monday, 7th February.

ELEVENTH DAY.

SALTILLO, MEXICO,
Monday, February 7, 1848.

The court met pursuant to adjournment. Present all the members and the judge advocate, recorder.

Colonel Paine here desired to add to his previous testimony that at the time he fired the pistol both the lieutenant-colonel and major of the regiment were sick, but that the major got up and came out of his tent and was very active in restoring order. The lieutenant-colonel was very ill.

Here the other officers before the court, and interested in the result of the investigation, were asked if they had any question to propound to the witness, to which they replied in the negative. The court then put the following:

Question by the court. Examine the papers now shown you marked C and D, to be attached to this record, and state all you know about them, if any thing?

Answer. I know that sometime early in the forenoon of the 16th August last I received the paper C. I don't recollect how I received it, but I think I found it on the table in my tent. Paper D, I first saw in General Wool's tent on the 17th. On the morning of this day, and before I saw the paper D, all the officers whose names are signed to paper C, except first Lieutenants Singletery, Pender, D. S. Johnson, and Dunham, (not positive as to second Lieutenant Wiley or Captain Tipton) had tendered their resignations to me. Subsequently, and immediately afterwards, Captain Kirkpatrick withdrew his resignation, saying he had not supposed his resignation had been presented to me; that he had signed the paper (C) with no ill feeling towards me, but solely out of regard for my personal safety; that he had heard my life had been threatened, and he believed it would be taken if I remained in the regiment. The same explanation was made by Lieutenant Dunham at the same time. They came to my tent together.

This explanation of Captain Kirkpatrick was made before his resignation had been received by me. He said he was greatly surprised that any one should suppose he had been inimical to me, or had desired that I might leave the regiment, except out of regard for my personal safety. Other officers, whose names are signed to paper C, subsequently made explanations to me, which are satis-

factory. Captain Tipton stated he was very ill at the time, and was not aware that he had signed the paper. He, Captain Blalock, First Lieutenant Israel, Second Lieutenant Keith, and First Lieutenant Nash, afterwards expressed their entire satisfaction with the manner I had generally performed my duty—at least, so I understood them; could not be mistaken as to the substance of what they said. Captain Tipton was, as I before stated, very sick on the 15th of August, and subsequently went to town for his health; and it was not till after he had recovered that he made the above statement to me; at the same time informing me that a previous paper had been brought to him for signature, complaining of my conduct, which was intended to be sent to General Taylor, containing gross misstatements respecting me, and said he had refused to sign it. Before this conversation, I had seen the paper last referred to. The paper now shown me is the one—see paper, marked E, hereto appended. This paper was handed to me by General Wool himself; calling, by an endorsement on the back, for a report from me. I told the general that I had nothing to say in my defence, further than I had acted conscientiously; that I would make a report as to the facts alleged in the paper, but would prefer he should call upon officers of the regiment for a statement regarding my conduct, referring him to two or three officers by name. I accordingly made a report in writing. The paper hereto appended, marked F, being shown to the witness, he stated that it was the report referred to.

Question by the court. Have you seen Lieutenants Pender and Singletery write, and are you, or not, acquainted with their hand-writing? And if so, are their names assigned to papers C and E, in their proper hand-writing, respectively?

Answer. I am acquainted with the hand-writing of Lieutenants Pender and Singletery, and have seen them write; the body of paper C is in the hand-writing of Lieutenant Pender. The signatures of both those officers, to both papers, (C and E,) are in their proper hand-writing.

Question by the court. You have alluded to some disturbance, and the destruction of a wooden horse, on the night of the 14th August. Will you explain to the court all about that disturbance, and the wooden horse alluded to?

Answer. Several days before the 14th August, I was standing near the lieutenant colonel's tent of the North Carolina regiment. The lieutenant colonel, my adjutant, Lieutenant White, and perhaps other officers, were present. We were laughing at a very rude bench which had just been made for the lieutenant colonel, and which was standing by the tent, when a report was made to me of several men of my regiment, who had frequently been derelict in their duties—such as roll-call and police duties—and who were very dirty in their clothing, (the last fault not very uncommon, at that time.) I had attempted, in various ways, to reform these men, and asked, in a tone of despair, what I should do with these men. Some one of the officers—I don't know who—remarked, ride them on a rail! I turned to the carpenter who had made the bench for the lieutenant colonel, and told him to make a similar one for me,

but with longer legs, and I would give these men a ride, if they did not reform. The carpenter accordingly made a bench, which was afterwards called a horse, and is the one alluded to in the previous testimony. It was placed near the rear of the adjutant's office tent, and there remained for several days, without any occasion occurring for using it—although I would have used it, had there been occasion. I frequently saw the men of the regiment laughing and joking about it; I had no idea that there would be any commotion or disturbance about it, or I certainly would have put a guard over it—until the evening of the 14th, before dark. I was at that time in the officers' tent of company F, reading a letter which Captain Graves had shown me, when I heard a great noise in the direction of my tent; and, on going up, found the lieutenant colonel very much excited, and a number of the other officers of my regiment highly amused. I do not know who they were. I learned, immediately, that a crowd of about one hundred soldiers, of the Virginia regiment, had been up, and broken down the horse; and that the lieutenant colonel of the North Carolina regiment had tried, in vain, to get out some men to arrest some of the party. He had put the first sergeant of D company in arrest, for not turning out his men. I don't know whether he called upon any other person or not.

On inquiring into the case afterwards, I found that the sergeant was not to blame; that he had been unable to get his men to turn out. I expressed my utter astonishment and indignation to the officers present at their permitting such an outrage to take place in the regiment; and I made inquiries of several persons, both officers and men, standing near, whether any of the party of Virginians could be recognized? And on receiving the reply that they did not know who they were, went down to the Virginia camp for the purpose of reporting the outrage to Colonel Hamtramck, of the regiment. He was out of camp at the time, but I reported to the lieutenant colonel, (Randolph,) and afterwards to the colonel himself. They both expressed themselves highly indignant at the outrage. Some conversation took place between the colonel and myself, in which I told him no one would acknowledge that they recognized any of the party. He spoke of an inquiry into the matter, but it was agreed between us that it was useless, as so many were implicated it would be impossible to get any evidence on the subject.

Question by the court. Was paper E sent to General Taylor through you, or the adjutant of your regiment, or Gen. Wool?

Answer. I never saw the paper until it was shown to me by Gen. Wool, on the 27th August, and never heard of it before that time; nor had I ever heard, up to that time, of any complaint having been made by any of my regiment, or any one else, respecting the matters alleged in that paper.

Question by Lieutenant Singletery. Were any statements made by you to General Wool, concerning the conduct of Lieut. Pender and myself, about the time of our discharge?

Answer. I made an official report in writing, as field officer of the day, to General Wool, dated August 16th, in which I think

Lieutenant Singletery was referred to. The paper G, hereto appended, being shown to the witness, he recognized it as the report referred to. I had spoken to General Wool previously about both of these officers. The general being present on one occasion, ordered the arrest himself of Lieutenant Pender, for positive disobedience of orders. I don't recollect how long it was previous, but think some weeks.

Question by Lieutenant Pender. What was the cause of that arrest?

Answer. Lieutenant Pender was a member of a court martial, not then in session, and at battalion drill, or parade, I do not remember which, Lieutenant Pender was absent, walking about the camp, and I directed Lieutenant Johnson, the acting adjutant, to order him out on duty. He returned and reported to me an answer from Lieutenant Pender which I considered a subterfuge; I think it was, however, that he being a member of a court martial, the regulations excused him from the daily camp duties. General Wool being present, at the time the adjutant made his report to me, immediately ordered Lieutenant Pender to be placed in arrest.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

TWELFTH DAY.

Saltillo, Mexico,
Tuesday, *February* 8, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

Examination of Colonel Paine continued:

Question by Lieutenant Pender. Did you not report me to General Wool for disobedience of orders, and did he not, on the representation of the circumstances by me, immediately order my release?

Answer, I know not what passed between General Wool and Lieutenant Pender, and cannot undertake to say whether General Wool deemed his explanation satisfactory or not. The general ordered his release from arrest.

I will here state, in continuation of my testimony of yesterday, respecting the reports I had made to General Wool of the conduct of Lieutenants Pender and Singletery, that I had reported to the general, previous to the 15th of August, the conduct of both these officers; I reported Mr. Singletery for indolence and gambling in camp, and also for a testy and fractious spirit, exhibit towards me when I thought there was no occasion for it. I had had very great difficulty with him—more than with all the other officers of the regiment, in getting him up at reveille; indeed, the subject had given me so much difficulty that I had been compelled to give the orderly sergeant orders not to call the roll until the officers came out; notwithstanding which orders, I myself heard Lieutenant Singletery

order his acting first sergeant to call the roll and consider that he was there, although he was in his tent; and I have had to turn that company out myself at reveille, after some of the other companies had been dismissed, and when not a man of the company was out of his tent.

I spoke to General Wool about Lieutenant Pender's want of attention to his company. I thought at the time, and still think, he exhibited more carelessness towards his company than any other company commander in the regiment. I well remember that on my arrival at Cerralvo, where I found Lieutenant Pender with his company, under the command of Major Stokes, about the middle of June last, his company was in a distressing situation, with much sickness, owing to want of attention to the diet of the men, and the laughing-stock of the rest of the command. It was reported to me that the men were permitted to gorge themselves with green corn, and whenever they failed to turn out, the men of the other companies used to call out, "throw them an ear of corn." To this cause I attributed the great sickness in this company; in fact, I think the sickness generally in the regiment was owing to a want of attention to the diet of the men. The non-commissioned officers of this company had less command over their men than those of any other company of the regiment; on several occasions I was compelled to punish the men very severely for disrespect to them. The company was in a very poor state of discipline and instruction, up to the time of its passing into the hands of its present captain. I spoke of all these things to General Wool, as well as of the fact of his having silently permitted a gross outrage to be perpetrated by the teamsters, in the destruction of a cornfield, while on the march in the latter part of June. He witnessed this outrage, being in command of that part of the train where it occurred, and made no endeavors to put a stop to it. I heard nothing about it until the following day, when General Taylor referred the matter to me for investigation, and such action as I thought proper to take in relation to it. I punished the men engaged in the outrage, and arrested Lieutenant Pender, and he continued in arrest till after his arrival at this place.

I am not aware that these circumstances had any influence with General Wool in causing him to dismiss these officers. I supposed he had dismissed them for signing the paper C. I had no conference on the subject with General Wool, previous to the dismissal of these officers. I received a note from the assistant adjutant general, Captain McDowell, informing me that the general wished to see me; this was on the 16th of August, about 10 o'clock, a. m. I immediately went over, found General Cushing there, and the paper (marked C) lying on the general's table. General Wool stated to me, pointing to the two first names on the list, which were those of Lieutenants Pender and Singletery, that he would dismiss these two officers from the service; and intimated, as I thought, (did not say it in words, but I judged that to be his meaning,) that he would pursue the same course with the next two the following day, unless they returned to their senses; remarking to me that

I had better give my officers some advice as to the danger of their position. I left his tent soon after with General Cushing, and asked him if I was mistaken in General Wool's meaning. He told me I was not, and that I had better advise with my officers about their conduct. I immediately went to my tent and sent for Second Lieutenant Mitchell, who was the youngest officer in age, in the regiment, and I advised with him about the proceedings of the night previous; told him the situation officers placed themselves in by signing paper C; how it was looked upon in military law, and advised him to withdraw his name from that paper. His reply to the advice was, that he would do it if the other officers would do so. I immediately thought, from the conversation, that there had been a combination, and that the parties signing the paper had agreed to stick to it. I then went to General Cushing's tent, apprised him of what had taken place between Lieutenant Mitchell and myself, and stated to him that I thought I could not influence my officers, and desired him to send for them and advise with them himself, which I understood he did.

I would here remark, that some time after the dismissal of these officers, and I had time to notice its effects, I told General Wool that he had undoubtedly taken the best course possible for the good of the regiment; that an entire change had taken place in the conduct of both officers and men, which had become unexceptionable. Some excitement continued for a few days after the occurrences of the night of the 15th of August, but afterwards, and until the return of these officers, there was no commotion or excitement in the regiment. There has been a great deal since.

Question by Lieutenant Singletery. Did you ever inform me of your report, made to General Wool, in reference to my conduct; or were they secret statements as far as I was concerned, except with regard to getting up at reveille?

Answer. No, I don't know that I ever did tell Lieutenant Singletery that I had reported him to General Wool. The reports were called forth by inquiries of the general, in conversation, as to the character of the officers of the regiment. I spoke to Lieutenant Singletery about his conduct, and, I believe, I suggested to the general that he had better speak to Lieutenant Singletery himself, in reference to his conduct, which, I understood, he did.

Question by Lieutenant Singletery. Do you mean to state that I was generally indolent, in the discharge of my duties as a company officer?

Answer. No; when Lieutenant Singletery was in command of his company he had as good control over his men as any officers of the regiment over theirs. His indolence and neglect consisted principally in his sleepy habits. He would sometimes excuse himself from duty by merely reporting himself sick on the company morning report, and after breakfast return to duty. The standing orders were that any officer who was sick should report either in person or writing to the adjutant, before he could be excused from duty, and the adjutant was instructed to report the fact to

the surgeon, because some of the officers would not report their sickness to the surgeon. Both Lieutenants Singletery and Pender were once arrested for failing to comply with these orders. These arrests were made either by the orders of Generals Wool or Cushing. I never, that I remember, myself arrested but two officers while at Buena Vista; one for neglecting to turn out the guard to me, and the other for allowing me to pass the chain of sentinels, twice late at night, when he was officer of the guard, and I was field officer of the day, without my being challenged. The first case was Lieutenant Hinesman, I think, commander of the provost guard; the latter, Lieutenant Singletery.

Question by Lieutenant Singletery. Were there not pieces attached to the extremities of the *bench* you speak of, to represent a head and tail?

Answer. Yes, I believe there was.

Question by Lieutenant Singletery. Please mention the names of the officers referred to on page 52 of the record, ninth line from the top?

Answer. Lieutenant Colonel Fagg, Major Stokes, the original adjutant of the regiment, now Captain Buck, Captain Henry, the surgeon of the regiment, Dr. Cobb; don't recollect whether I referred to any one else or not.

Question by Lieutenant Singletery. Do you ascribe the revolution in the regiment to the absence of Lieutenant Pender and myself? And state the proportion of officers and men in the North Carolina regiment who have been court martialled before and since that time; and, do you mean to say that we have attempted to create any disturbance since our return?

Answer. I ascribed it to the action of General Wool in reference to the disaffection of the officers of the regiment towards me; I dont know that, at that time, I thought it was, in a great measure to be ascribed to the absence of Lieutenant Singletery, but I think so now; for I did not then know the extent to which the disaffection had been carried. As far as regards Lieutenant Pender, I never heard of any disaffection on his part, of a very flagrant character.

The court adjourned, to meet to-morrow at 10 o'clock, a. m.

THIRTEENTH DAY.

Saltillo, Mexico,
Wednesday, February 9, 1848.

The court met pursuant to adjournment: present, all the members, and the judge advocate, recorder.

Continuation of the examination of Colonel Paine:

Witness desired to add to his testimony given yesterday, that, upon reflection, he recollected two other instances in which he personally arrested officers at Buena Vista. One of these officers is not now in service.

In answer to the second branch of the last question propounded to him yesterday, witness states, that previous to the 15th August last, very few men of the regiment had been court martialled; they had been guilty of no offences of a nature requiring them to be brought before a general court martial, except in a few cases. There were cases which might have been brought before a garrison or regimental court, in which I punished the men myself, as I was advised it was my province to do. I think there were two officers court martialled before the 15th August, both of whom are now out of the service. There have been three court martialled since, who were under my immmediate command, and one who was stationed at Saltillo under Major Washington, of the artillery. The arrest of the last case was not made by me. The number of men brought before courts martial since the 15th August has been much greater than previously, for I have been much more strict in my discipline.

In answer to the third and last branch of the question, witness states that he does not know what they have attempted to do; but he understands that, since the return of Lieutenant Singletery to camp, he has been guilty of gambling in his tent, in positive violation of standing orders, at a late hour at night, and that he would not put out the light when told to do so by the officer of the day. He has also understood that a petition was gotten up, or attempted to be gotten up, in camp, to be sent to the governor of North Carolina, proscribing one of the best officers in the regiment; and he has also understood that Lieutenant Singletery was one of the signers of this petition.

Question by Lieutenant Singletery. Please state on what occasions, and in what company you have known of my gambling?

Answer. Of my own knowledge, I remember but one instance; this one is brought to my mind by the circumstance that it occurred the night after his release from arrest. I sent for him the day after, and admonished him on the subject. The gambling was at Lieutenant Singletery's tent. I do not recollect, certainly, who composed the party, but I think Lieutenant Pender was present.

Question by Lieutenant Singletery. Do you not know that when the officer of the day ordered me to put out the light, the commanding officer of the camp was present?

Answer. I do not.

Question by Lieutenant Pender. You have stated that I was arrested for not reporting myself sick. Do you allude to the time before mentioned, when I was arrested for disobedience of orders? (being detailed on court martial, I considered myself already excused from drill;) and if not, at what time did this arrest take place?

Answer. I do not allude to the occasion when he was on the court martial; I can't state the time, but I think it was not long before the disturbance of the 15th August. He was arrested by my order, for being absent from parade. On the occasion when he was arrested for not reporting, according to orders, in consequence of absenting himself from duty, he came to me and told me he was sick, and I released him.

Question by Lieutenant Pender. Who was acting adjutant at that arrest?

Answer. I don't recollect. I think I had three different adjutants between the 1st and 5th of August.

Question by Lieut. Pender. Did you or not give Generals Wool and Cushing to understand that you would change your course of conduct towards the regiment, and that you would not insist on retaining the wooden horse or bench as a mode or punishment?

Answer. No, I did not; but on the contrary, I had the wooden horse taken to the camp to which the regiment moved, and gave orders to the guard to shoot any man who put his hand on it. And it was placed, by my orders, on the top of everything in the wagon, in order that it might be seen in going out of camp. This was on the 18th August, I think. I asked both Generals Wool and Cushing what complaints my officers made against me; for I was anxious to retrieve any error that might be brought to my mind; for I was entirely ignorant of these ill feelings, except so far as I have stated. They both informed me that there was no complaint against me, except that I was austere in my manners. I told both the generals that I was not aware that I exercised any more austerity than was my duty. They did not tell me that any specific charges were made against me.

Question by Lieut. Singletery. Was the wooden horse ever erected or used after the camp was moved?

Answer. There was no occasion for the use of it. There were very few offences or neglects of duty committed by officers or men for nearly a month after the camp was moved; a radical change had taken place in the conduct of the regiment. I do not recollect that it was ever erected by my order at the new camp. It was cut up, as I afterwards understood, by my servant, for a horse for a saddle, but I was not aware of it when it was done. I should certainly have ordered its erection had there been any occasion for its use.

Question by Lieut. Pender. Was there no manifest change in your course towards the regiment after the occurrences of the 15th August?

Answer. I am not aware of any. I punished the men before, when I thought they deserved it, and I did so afterwards.

Question by the court. Please examine the papers F and G, appended to the record, and inform the court whether the statements contained in them are, in all respects, accurate, according to the best of your recollection and belief.

Answer. The witness, having read the papers, F and G answers, that the statements they contain are substantially correct, to the best of his recollectton and belief, but that the name of *Williams*, in the paper G, in the second page, seventh line from the bottom, should be *Nathan Tatham*; and that his belief now is, that Lieut. Singletery did not personally turn out his company, as stated in paper G, on the evening of the 15th August, although he was in command of it when the adjutant went to dismiss the troops.

The court adjourned to meet to-morrow, at 10 o'clock, a m.

FOURTEENTH DAY.

SALTILLO, MEXICO,
Thursday, February 10, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

Examination of Col. Paine continued:

Question by Lieut. Singletery. Please mention the name of the private from whom you received a note, as referred to in paper G, and what were the contents of the note.

The question was objected to by the court; but on being informed that there was no objection to it on the part of Col. Paine or the author of the note, the court permitted it to be put to the witness.

Answer. The writer of the note is private Charles Manly, company H, North Carolina regiment of volunteers. I can't state specifically the contents. I know it was giving me information of my life having been threatened. He is a man in whose courage and fidelity I had so much confidence that I selected him to act as corporal of the guard stationed at my tent on the night of the 15th August last.

Question by Lieut. Singletery. By whom did Manly state that the threats were made?

Answer. I would state to the court that, in my answer, I am not governed by my recollection of the contents of the note, but by what I recollect from circumstances which occurred afterwards. Very soon after the receipt of the note I learned that Manly was suspected by the officer of his company, Lieut. Yarborough, of having given me some secret information which might have been prejudicial to the officers of the company, and I sent for Lieut. Yarborough, and undeceived him; if it had, I should certainly have sent him the note. I do not think the note had any reference to an officer or soldier of the North Carolina regiment, but spoke of soldiers of the other regiments. I do not remember that any names were given; in fact, I feel confident there were none, or I should have arrested the men.

Referring to his report as field officer of the day, (paper marked G, hereto appended,) witness desired to say, in explanation of the cause of the interlineation on the third page of that report, that it was in consequence of the adjutant having stated to him, after he had written the report, that he had found Lieut. Singletery with his company when he went to dismiss the troops; and that Lieut. Singletery then asked him if he (Col. Paine) wanted the twenty men he had called for; and that he (the adjutant) replied, that he supposed not, as everything was quiet.

Examination of first Lieutenant *G. E. B. Singletery*, North Carolina regiment of volunteers, who, being duly sworn, states:

I was eating supper on the evening of the 14th August, and heard a loud shout, and went and inquired what was the matter. Some one told me that the Virginians had come into the camp and had torn down the colonel's wooden horse. I walked down towards the

right, stopped at the quartermaster's tent, found a number of officers present; they were talking of what had happened. The horse had been torn down by the Virginians. There was some excitement the following day. Nothing occurred till night of any consequence. I heard that the colonel had called for a guard from company K, to stand around the wooden horse, and that the men had refused to go for that purpose. I walked down in front of the camp and stopped opposite the quarters of company K. I was in company with Lieutenant Whittaker, the present adjutant, who was then my first sergeant. Colonel Paine was in the street of the company. I heard him threaten to cut some man down if he did not take his arms; I thought that the man obeyed. I heard him also order some man to the provost guard. They were about carrying him off, as I thought, when I left. Not long afterwards I was at the tent of Captain Kirkpatrick of company I, and Colonel Paine came up; I did not notice in what direction he came. He said something about some Virginians being on the right of the camp, and I understood that he suspected them of evil intentions toward himself. He told me he wanted twenty or twenty-five men from my company (H) to drive them off. As I started for my tent he added: bring them yourself or send them with your first sergeant. I went to my quarters immediately, found the first sergeant, told him to select the men and carry them to the colonel. He mentioned that there might be some difficulty in getting the men; that they would think they were wanted to guard the wooden horse. I told him nevertheless to make the detail. He went into a tent where he kept his papers for the purpose of getting his roll to make the detail. Very shortly afterwards, and before the detail could possibly be made, I heard the voice of Colonel Paine crying "halt, halt!" saw the flash of a pistol. Immediately afterwards the colonel cried out, "turn out the whole regiment." I ordered my company out and they turned out instantly, without any difficulty, at the call of the first sergeant. About the time they had well formed, which could not have been more than four or five minutes after Colonel Paine had called on me for the guard, the adjutant came down and ordered the company to turn out and stand by their arms. I then inquired of him particularly, if the colonel now wanted a guard from my company. He told me, he supposed not, of course, as the whole regiment was turned out. I told him I wished to be certain, and I made this inquiry of him as the colonel of the regiment's adjutant. He gave me to understand that the guard was not wanted. I remained in command of the company under arms, until the adjutant returned and ordered the company to be dismissed, which was about twenty minutes afterwards. Not long after that, and when it had been discovered what had been the effect of the pistol which had been fired, I was in conversation with Lieutenant Singleton (then adjutant) in reference to the circumstances which had just occurred.

We were standing near the officers' tents of his own company, (B.) We agreed in the opinion that Colonel Paine would, henceforth, find much greater difficulty with his regiment, and it would be

much better for both parties for him to resign. Mr. Singleton suggested that it would be a good course for us to pursue, to send the colonel a paper, signed by the officers of the regiment, requesting him to resign. The next morning, I wrote off a form of such a request, in which the word forthwith occurred immediately previous to the word surrender. Lieutenant Pender, who was present, mentioned that he did not like that word, as it was only our intention to signify to the colonel, that it was best for him to resign; that it was our wish that he should do so, for the reasons mentioned in the paper. I was officer of the guard that day, and went guard mounting shortly afterwards. There were not more, then, than two or three signatures to the paper, and I did not urge any one to sign it. Soon after retreat, while then officer of the front guard, the adjutant brought me General Wool's order, and an order from Colonel Paine. (See papers H and I, hereto appended, the latter laid before the court by Lieutenant Singletery, and acknowledged by Colonel Paine.) I called on Colonel Paine and General Cushing, to know if I could not stay long enough to settle my business with my company, or at least remain in camp till morning. The night was dark and rainy. I could not obtain such permission from either of them; Colonel Paine referred me to General Cushing and General Cushing to General Wool. I thought then it was useless to urge the request, and left the camp that night. I went down to Monterey for the purpose of making an appeal to General Taylor. Lieutenant Pender had arrived there before me, and in consequence of what I learnt from him, I thought it useless to call on General Taylor. I then returned to Saltillo, procured such papers as I thought were necessary for my defence at home, and then went to Washington city. I will state here, that while in Saltillo, after my return from Monterey, I received orders to leave the place immediately; and was informed, officially, by Major Washington and Captain Henry, that I must leave the town under guard. I called on Major Washington in company with Lieutenant Pender, told him the purpose I had in remaining, and that I would leave very shortly, and I inquired the cause of this order—if we were accused of any improper conduct since our return. He said no; that he was not even aware of our presence in town until he received instructions from General Wool to send us off. He refused to let me have a copy of those instructions, or to see them; said they were private. I left town alone the next morning, and reached Monterey that night, and thence proceeded to Washington city. I there appealed to the President against the order of General Wool, as illegal; at the same time affirming my entire innocence of the charges alleged against me. I was ordered to return to my company in Mexico; being at the same time officially informed that it was considered by the President that I had never been out of service. I accordingly rejoined my company.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

FIFTEENTH DAY.

SALTILLO, MEXICO,
Friday, February 11, 1848.

The court met pursuant to adjournment.

Present: All the members, and the judge advocate, recorder.

Lieutenant Singletery's testimony continued:

Referring to the conversation between Lieutenant Singleton (the adjutant) and himself, at the time he came to turn out the company on the night of the 15th August, witness desired to state, in addition to his testimony given yesterday, that Lieutenant Singleton then told him (Lieutenant Singletery) that he would see Colonel Paine and let him (Lieutenant S.) know immediately if the guard was wanted. He did not hear from him again until he came to dismiss the company.

Witness continued.—After I had returned to this place from Monterey, I sent a note to General Wool, requesting him to examine further into the matter, and hear the evidence on both sides. I received a reply to that note, which I desire may be attached to the record.

The witness here laid before the court the paper marked K, and it was ordered to be attached to the record.

The witness proceeded.—Referring to the circumstances attending his several arrests: When we were in camp at the Walnut springs, near Monterey, I obtained permission from Colonel Paine to visit Monterey, with orders to return the same day. I went to town, and returning about noon, had reached the suburbs, when I met Colonel Wilson, then a captain in the North Carolina regiment. He persuaded me to return with him. I told him I was afraid I would incur the displeasure of Colonel Paine by doing so. He told me no, not to mind that, it would be all right; I could get a horse and return in the cool of the evening; I had before been on foot. When I reached the hotel, I found there Lieutenants Johnston and Wiley, North Carolina regiment. They told me if I wished to stay in town all night, I could do so; that Colonel Mitchell, of the 1st Ohio regiment, the governor of the town, promised to see Colonel Paine and excuse us to him, and he insisted on our staying. I accordingly stayed in town that night. Colonel Mitchell called on Colonel Paine next morning, and I afterwards understood, that he, Colonel Mitchell, expressed himself as very much irritated by the manner in which Colonel Paine then treated him. His excuse for me to Colonel Paine did me no good. On another occasion, when I was arrested, the circumstances were as follows: some time, about the 3d of August last, I was in bed quite sick. The adjutant, then Lieutenant White, came to my tent and told me to come out to officers' drill, the hour for which was 5 o'clock, a. m., as well as I can recollect. He may have told me the colonel sent him to give me the order. I am not certain about that. I told him I was entirely too unwell to do so. He mentioned the order which had been published the day

before, I think, which required me to report in person, or by writing to the commanding officer, or to the adjutant. I told him I would have written the note to Colonel Paine, but that it was too dark in the tent for me to do so, and that I was too unwell to get up and light a candle for that purpose; that I desired him (the adjutant) to report the case to Colonel Paine. It is true that I went on duty after breakfast; I was anxious to avoid missing duty on any occasion, if it were possible, and I felt much better. I do not recollect, in fact, that I ever missed a day's duty whilst I was with the regiment. The next I heard of the matter, just referred to, I received a note from Lieutenant Davis, aid-de-camp to General Cushing, informing me that I must consider myself in close arrest, on the report of Colonel Paine, for negect of duty and disobedience of orders.

The other case in which I was arrested, occurred previous to that last mentioned, unless I am mistaken. I was officer of the left flank guard, Colonel Paine was field officer of the day. About 8 or 9 o'clock at night, being in the guard tent at the time, some one outside cried, "officer of the day, turn out the guard." I supposed it was the sentinel. I went out quickly and hurried the men into line as fast as I could. Colonel Paine was then on horseback, a short distance from the line; there were one or two men lying asleep off to one side. (Instructions to the officer of the guard, allowed one relief to sleep at a time.) I supposed Colonel Paine was, in the meantime, kept at a halt by the sentinel. While I was waking up these men, Colonel Paine suddenly started and galloped across the line; I did not notice the particular course he took. The sergeant of the guard then said to me that the sentinel did not tell him to halt. I went to the sentinel and asked him why he did not halt the officer of the day. He was trembling very violently, and said something about Colonel Paine being so strict. I told him he was a fool for being frightened so easily, that I would put some one else in his place. I don't remember the name of the man, but he belonged to B company, North Carolina regiment. I had been very careful that day in giving repeated instructions to the guard, particularly about the proper form of challenging. I then went into the tent, wrote a note to Colonel Paine, as field officer of the day, stating that I thought this man unfit to stand guard, and requesting instructions what I should do with him. I gave the note to the sergeant, who had hardly got away from the tent, before he returned and told me the officer of the day was coming back. I ran out quickly, ordered the guard into line, and stood by the sentinel and told him what to say, (it was very difficult to make him say it right even then.) I took my place at the proper time on the right of the guard.

Colonel Paine came up, and the first words he addressed to me were, "give me your sword and go to your quarters." I did so without saying a word—went to the camp—stopped in the tent of Captain Roberts, whose company was next to mine. I waited there expecting Colonel Paine would come by, wishing to see him. I heard him coming pretty soon—stepped out of the tent

and asked him if I could speak to him for a moment. He said yes. I inquired for what I had been arrested. He told me he had passed the guard line without being halted by the sentinel. I told him that was no fault of mine; that I had given the sentinel all necessary instructions. Something more passed of about the same substance, when Colonel Paine suddenly spoke to me in a very angry and violent manner, and told me to go to my tent instantly, as he had ordered me. I was somewhat surprised at his speaking to me in this manner, and hesitated for a moment, perhaps, but not with any intention of refusing obedience to the order. He had rode off a short distance, when he turned back, on his horse, and repeated what he had said still more violently. I then went to my tent. Early next morning, the adjutant brought me my sword. I told him I preferred a trial, and wished he would return my sword to the colonel, and tell him this was my request. (I remember that the adjutant at this time was lieutenant, now Captain Buck.) He declined doing so; said I could do it for myself if I wanted it done. I then took my sword and started off. I found Colonel Paine in Major Stokes's tent; told him I would much prefer a trial, if he was willing. He expressed himself entirely so; said certainly, if I wished it. I told him I did much prefer it. He said very good, to consider myself in arrest again. I started for my tent, when Colonel Paine came out of the major's tent, and called me; said he wished to give me a little friendly advice about this matter; that I was not aware of the danger of courts martial. I told him I was willing to be tried in this case by any court whatever, and did not withdraw my request for a trial. Colonel Paine then cried out, in a very loud voice to the adjutant, "Mr. Singletery is in arrest—in close arrest;" I went to my tent, and shortly afterwards wrote a note to General Wool, representing to him that Colonel Paine had, by releasing me in the morning, virtually declared the offence trivial, and already sufficiently punished, and that I did not see any reason why I should now be punished more severely simply for having requested a trial. I stated to him that officers in arrest in our regiment had never been confined to their tents, but allowed the privilege of the camp, and requested an extension of limits in my own case. General Wool sent for me, and I went over to his quarters. He talked with me some time—may be an hour—wanted me to send some kind of written explanation and apology to Colonel Paine, and to withdraw my request for a trial; which I declined doing. He told me that however innocent I might be in fact, a court martial would be obliged to find me guilty by the letter of the law, and that I must remember that it would rest with him to approve or disapprove the proceedings and decision of the court. I thought that remark of General Wool's was evidently intended to intimidate me, and left his tent without complying with his wishes, and did not receive any extension of my limits. The next day, I think it was, Captain Price and Lieutenant Yarborough, of my company, tendered their resignations. Lieutenant Yarborough did not state in his communication any reason for so doing. Captain Price informed me that he

had a conversation with Colonel Paine very shortly afterwards, in which Colonel Paine stated that Lieutenant Yarborough must state his reasons for tendering his resignation; that, if they were objections to him, Colonel Paine, he was willing to hear them. Acting upon this information, I tendered my resignation, and stated my reasons, which were, as well as I can recollect, because I found it out of my power to please Colonel Paine. The letter of resignation was returned to me with the message, that it would not be received from me while in arrest. I continued in close arrest six days, as well as I remember, constantly expecting a copy of the charges preferred against me. I did not receive any, and, at the end of that time, I was ordered to duty with my company.

Witness further testifies: Since my return to my company from Washington city, I have not endeavored to create any disturbance in the regiment, but have been careful to pursue a contrary course. With regard to the paper to be sent to the governor of North Carolina, "proscribing one of the best officers of the regiment," that proscription consisted in a request that the governor would not, in any case, appoint Captain Henry to be a field officer of the North Carolina regiment, it having been understood that he had received a recommendation for such an appointment; and I will state further that I did not sign that paper.

Question by Lieutenant Pender. Were you not acting as adjutant at Cerralvo, and did you ever notice or hear of any want of attention, on my part, towards my company, either in discipline or otherwise, and was not my company as well drilled and disciplined as any at Cerralvo?

Answer. I was acting as adjutant of the battalion at Cerralvo at that time. There was a great deal of sickness among Lieutenant Pender's men, but I never heard it ascribed to him. He paid proper attention to his company, as far as I noticed. There was so much sickness among the troops at Cerralvo, that there was very little drilling performed by any of the companies. As far as I was able to judge, the company was very well drilled, and it was comparatively in good discipline.

The court adjourned to meet to-morrow, at 10 o'clock, a. m.

SIXTEENTH DAY.

Saltillo, Mexico, *Saturday*, *February* 12, 1848.

The court met pursuant to adjournment. Present; all the members, and the judge advocate, recorder.

Question by Lieutenant Pender. What has been my character, as an officer in the regiment?

Answer. He has been considered a good officer. At the formation of the regiment, he was thought to have some considerable advantage over the rest of the officers of the regiment, as he had been some time at West Point.

Question by Lieutenant Pender. Did you ever hear that the sickness in my company was owing to any neglect on my part; and was not the second Edgecombe company (E) as unfortunate, in this respect, as the first Edgecombe company, (A,) commanded by me?

Answer. No: I never heard the sickness in the company ascribed to Lieutenant Pender's neglect. I believe there was about as much sickness in one company as the other.

Question by Lieutenant Pender. Do you recollect at what time I was left in command of A company, by the promotion of Captain Wilson; and do you not know that Second Lieutenant Mayo was, from sickness, unable to give me any assistance, up to the time of his resignation; and that Second Lieutenant Buck was adjutant; that I had no commissioned officer to assist me, for several months; and, notwithstanding the apparent necessity, I was refused an election; and that but a day or two had elapsed, after my discharge, when you heard that an election was ordered for captain and a second lieutenant, though a second lieutenant had been permanently transferred to the company but a short time previous?

Answer. He was left in command of the company about the last of April or first of May, as well as I remember; do not recollect ever to have seen Lieutenant Mayo on duty, on any occasion, after our arrival in Mexico. Second Lieutenant Buck, of the company, was adjutant of the regiment; had no commissioned officers to assist him, for several months. I understood that he desired an election of officers, but no election was held, up to the time of his discharge. I heard that an election was ordered but a day or two after his discharge. Second Lieutenant Buck returned to the company just after Lieutenant Pender's discharge. Second Lieutenant Hyatt had been permanently transferred to the company a short time previous.

Question by Lieutenat Pender. To what have you heard the sickness in the regiment ascribed?

Answer. I have heard it ascribed to the march from Brazos to Camargo, more than to any other one cause.

Question by Colonel Paine. From whom did you learn that Colonel Paine had called for a guard from K company, to stand around the wooden horse, the night of the 15th August last?

Answer. I really don't remember; I heard it out in camp somewhere. There was nothing particular about the manner in which I heard it to impress the circumstances upon my memory.

Question by Colonel Paine. How long did you stand opposite the quarters of K company, on the night of the 15th August, when you said you were standing opposite the quarters of K company with you first sergeant, now adjutant, Whittaker?

Answer. It is impossible for me to state, positively; I think, however, not more than five minutes, and it may not have been more than one minute.

Question by Colonel Paine. Did you communicate with Colonel Paine, on the 15th August, 1847, during the day or night of that day, and if so, when and where?

Answer. I think I had a conversation that morning with Colonel

Paine, about making knapsacks and tents of the company. I met him at night, shortly after he had gotten through with his difficulty with company K, I think. I was standing in front of the line of officers' tents, opposite the street of company K, conversing with several officers. Colonel Paine approached, and, I think, said to me, that he had been almost under the necessity of calling on me to turn out my company. I don't remember to have seen Colonel Paine again until he called on me at Captain Kirkpatrick's tent, for the guard before spoken of. I don't think I had any communication with him in writing during that time.

Question by Colonel Paine. Was it when the adjutant (now Captain Singleton) told you that he did not think Colonel Paine needed the men he had called for, that you requested him, the adjutant, as you stated, to inquire of Colonel Paine and let you know; and if not at that time, state at what time?

Answer. At the time the adjutant came to turn out the company, I inquired of him whether, or not, Colonel Paine still wanted the guard he had called for. The adjutant replied that he supposed not, of course; that the whole regiment was turned out. I told him I thought not myself, but wished to be certain, and made this inquiry of him as adjutant. He further stated that he would see Colonel Paine and let me know at once. When he came to dismiss the company I repeated my former inquiry, and he gave me to understand that the guard was not wanted.

Question by Colonel Paine. Who was present at the conversation which you say occurred between you and Adjutant (now Captain) Singleton on the night of the 15th August, 1847, when you say he advised that the officers of the regiment should present a paper requesting Colonel Paine to resign?

Answer. I do not remember that any one else was present.

Question by Colonel Paine. After your last conversation with the adjutant, the night of the 15th August, 1847, where did you go and how long remain where you went?

Answer. I don't remember where I went, probably to bed, and remained there till morning. I may have gone to some other tent; I do not recollect now.

Question by Colonel Paine. What became of the form which you say you first wrote off, requesting Colonel Paine to resign, and in which the word "forthwith" occurred immediately preceding the word "surrender"?

Answer. I don't know.

Question by Colonel Paine. Did you consult with any one previous to writing off the first form, of which you spoke?

Answer. I don't know that I had any special consultation on the subject. I had heard the opinion expressed by several officers that it would be well to pursue such a course, and I desired if such a paper was sent to Colonel Paine to be one of the signers. For that reason I wrote off a paper, which was copied by Lieutenant Pender, and signed it before I went on guard. It was not the intention of any one, as far as I know, to use any compulsion whatever; but it

was thought that if Colonel Paine was made aware of the fact that his officers wished him to resign, he would do so.

Question by Colonel Paine. At what time did you write the form, and what signatures were subscribed to it, before Lieutenant Pender objected to the word "forthwith"?

Answer. The *form* was written before I went on guard; no one signed it.

Question by Colonel Paine. To how many persons did you exhibit the form written by you, in which you say the word "forthwith" occurred?

Answer. I do not remember that any one saw it except Lieutenant Pender. I can't speak positively, however.

Question by Colonel Paine. Who wrote the body of the paper marked C, appended to the record, and in what respect does it differ from the form which you say was written by you and objected to by Lieutenant Pender?

Answer. The body of the paper was written by Lieutenant Pender, and it differs from the original *form* only in the omission of the word "forthwith" immediately preceding the word "surrender." (The witness had the paper before him while answering.) Witness remarked further: I have since been told by Lieutenant Goodson (one of the signers of the paper) that he expressed some objection to the word "surrender," but was told that it was of no consequence, that the word "surrender" meant nothing more than resign. In drawing off the *form*, I myself attached no other meaning to this expression.

Question by Colonel Paine. In whose charge was the paper placed after you signed it? Who first signed the paper, and in what order were the signatures subscribed to it?

Answer. I left the paper with Lieutenant Pender; he had signed it first, and I signed it next. I think when I last saw it, Lieutentenant Staton's name was signed to it. I don't remember that there was then any other signatures to it. I did not see the paper again until the meeting of this court.

Question by Colonel Paine. How many of the signatures to paper C were written in your tent, and who took that paper from your tent, and where was it taken?

Answer. Lieutenant Pender and myself signed the paper in my tent. I believe Lieutenant Staton also signed it in my tent; but I am certain not in my presence. I left the paper with Lieutenant Pender. I do not know where it was taken to.

Question by Colonel Paine. Look at the letter addressed to General Taylor, dated the 7th August, 1847, and marked "E," and appended to the record, and say if you know in whose hand-writing that letter is?

Answer. That letter is in the hand-writing of my company clerk. His name is Peoples, a sergeant of company H. I wrote it off and directed the clerk to copy it.

In reference to the note appended to this paper concerning Captain Henry, which is in my own hand-writing, I desire to say it was intended to signify that Captain Henry, having been de-

tached from the regiment for a long time, was not acquainted with the conduct of Colonel Paine, and was therefore not qualified to judge of the justice of the complaint; and it was not intended to signify that he would have signed it, had he been present.

Question by Colonel Paine. What officers of the regiment commanding companies, and present in camp, at Buena Vista on the 7th August, 1847, did not sign the letter or paper marked "E?"

Answer. Captain Shive, commanding company C, since dead, and Captain Tipton, commanding company "K," did not sign it, but sent a separate complaint at the same time.

Question by the court. On the supposition that Colonel Paine did not resign, was there any determination or consultation, or conversation among the officers as to any ulterior measure, and if so, what was it?

Answer. There was no determination. Colonel Paine's resigning had frequently been spoken of before, as an occurrence very much to be desired, and various plans had been spoken of to induce him to do so; but nothing was determined on, for fear we might lay ourselves liable some way.

Question by the court. Was it known to any of the non-commissioned officers or privates of the North Carolina regiment, previous to the 14th or 15th of August, that the officers had written or sent the letter (marked "E") to General Taylor?

Answer. I have no idea that it was known to any one but the clerk who copied it, and I gave him the strictest instructions to say nothing about it. I had the greatest confidence in him.

Question by the court. Is it your opinion that the men of your company would have refused to turn out, if they had been ordered to protect the wooden horse?

Answer. I don't know, but I expected there would have been considerable difficulty about it.

Question by the court. As far as you know, has the men's dislike to the wooden horse been countenanced or encouraged by any act or language on the part of the officers.

Answer. No, I don't know that it had been.

Question by the court. You have stated that you believed it was generally thought the sickness in the North Carolina regiment was chiefly in consequence of the march from the Brazos to Camargo; state to the court what companies made that march, and what companies, if any, came up the Rio Grande in steamboats?

Answer. There were four companies on the march with me, F, G, H, I. I don't know how the other companies came up. My impression is that some came up in steamboats, and some marched from Matamoras.

Question by the court. How did the two companies from Edgecombe come from the mouth of the river to Camargo?

Answer. They came up to Matamoras in steamboats. Don't know how they came up from Matamoras.

The court adjourned to meet on Monday, February 14th, at 10 o'clock, a. m.

SEVENTEENTH DAY.

SALTILLO, MEXICO,
Monday, February 14, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

First Lieutenant Josiah S. Pender, North Carolina regiment, a witness called by the court, being duly sworn, states:

The two Edgecombe companies, A and E, North Carolina regiment, under the command of Captain Wilson, were the first two companies of the regiment that arrived in Mexico, about the 1st of March. There was a considerable stampede at the Brazos just as we landed, and an attack was hourly expected. We landed in haste, and remained under arms all night and the following day. In the evening we took up our line of march for the mouth of the river. A violent northwester set in, accompanied with rain. It was quite cold, and all the men were very much exposed. At the mouth of the river, the commander not deeming it necessary to have the tents pitched, the men were obliged to remain on the deck of the steamboat, on board of which they were embarked for Matamoras. Having previously suffered a great deal from sea sickness, nearly half of the command were on the sick-list on our arrival at Matamoras. We left Matamoras by steamboat for San Francisco two or three days afterwards, leaving a number of sick of each company behind, who were unable to proceed. We remained at San Francisco about a month. About the last of April we left for Camargo by steamboat. There we found the balance of the regiment, except the detachment brought out by Lieutenant Colonel Fagg. A few days after our arrival there, Captain Wilson having received information of his appointment to the colonelcy of the 12th infantry, left Camargo with the train which was then about to start for Monterey, desiring to have some consultation with General Taylor, and to see the country. About this time the measels broke out in the regiment, and to that cause, together with the ordinary diseases of the country, I attribute, in part, the mortality in the two Edgecombe companies. I was taken sick myself at Camargo with a very severe attack of the jaundice, from which I never entirely recovered until after my departure for the United States. Two detachments of my company (A) having previously, at different times, left with trains for Monterey, the remainder, together with other troops, marched about the middle of May for Cerralvo, under the command of Major Stokes, the detachment of the company being composed principally of the sick, and were selected on that account; Cerralvo being considered more healthy than Camargo, we remained at Cerralvo until Colonel Paine arrived with the remainder of the regiment, left at Camargo. I think the day after his arrival we took up the line of march for Buena Vista. On our way up I was put in command of several detachments of different companies, with orders to dispose the men along the train. I was more particularly entrusted with the command of

the first platoon; the subordinate officers, Lieutenants Wiley and Mitchell, I think, of the second. When within a few miles of Monterey, some of the men of the first platoon asked me if there was any harm in gathering a few "roasting ears." I replied that I did not know that it was any great harm; that it would not be considered so even in the States, and in an enemy's country still less so, but that I could not give them permission to do so, and that if I knew any of my command to do it, I should be compelled to report them to Colonel Paine. On arriving at the Walnut springs, near Monterey, I was sent for by Colonel Paine, and asked if I had seen any one committing depredation on the cornfield before referred to. I replied that I had. He told me to consider myself under arrest. I asked him what for? He replied, in substance, that it was for not reporting the depredation to him. I told him that I did not see any of the soldiers commit any depredations; if I had, I should have reported it; that those whom I saw commit the depredation were teamsters, or at least not soldiers; that I did not consider it was my duty to take any cognizance of it, owing to the fact that the quartermaster and quartermaster sergeant were both present with the train, and I thought it was their duty and not mine. I do not know whether they witnessed the depredation or not; they were riding backward and forward along the train. I was very much mortified at my arrest, and, while excited, tendered my resignation. While writing this resignation, Captain Price came to my tent, and advised me to postpone it awhile, as he, as well as a number of other officers in the regiment, could not submit to the treatment of Colonel Paine, and they desired to send in their resignations together. I replied that I should send mine in, which I accordingly did, and they could do as they pleased. The command marched for Buena Vista, I under arrest in rear of the train. On our arrival at Saltillo I was released from arrest.

On one occasion, while at Buena Vista, having sat on general court martial until, I think, between 1 and 2 o'clock, p. m., and having been quite unwell the whole day, when I returned to my quarters, I went to bed. Having occasion to go to the sinks, I passed along the line of officers' tents, while the regiment was drilling, and returned to my tent. In a short time the adjutant came, (I think it was Lieutenant D. S. Johnston,) and informed me that I must go on drill. I replied that I was too unwell to drill. He told me I must then go to the surgeon and get excused. I accordingly reported myself to the surgeon. After drill, perhaps after parade, the adjutant again came to me, whether or not by Colonel Paine's order I do not know, but supposed it was voluntary on his part, and told me to send a written excuse to the colonel, which I did. I believe I stated in that excuse that I was too unwell to drill, and, being excused by the regulations, I thought it unnecessary to report myself to the surgeon before the drill.

On the evening of the 14th of August, I was quite unwell, and had been so for several days. I was in Captain Pender's tent, (he was quartermaster, and a near relative,) where I spent the major

part of my time, when not on duty. There was some excitement in camp, as I judged, from the noise; and, going to the door of the tent and inquiring, was informed that the Virginians had destroyed Colonel Paine's wooden horse. About this time, I think just before, Colonel Paine passed the tent, and said that he wanted the adjutant, and continued down toward the Virginia camp. I heard nothing more about the disturbance until the night of the 15th of August. I was in Captain Pender's tent; Major Stokes, Lieutenant Staton, I think, and probably some other officers, were present, talking and joking, when our attention was arrested by the firing of a pistol, immediately followed by the order to *turn out*. I immediately went out, although sick and not fit for duty, and gave orders to Lieutenant Hyatt, of my company, next in command to myself, to order the men into the ranks, which he did; and the men obeyed. By this time, I understood that Andrew H. Bradly, a private of my company, had been shot while absent from the company quarters. I saw the wounded man in his tent. The surgeon of the regiment, together with one or two others, was present. It was a very common practice with the Virginians to promenade in front of the line of officers' tents; that was their evening walk; and I, as senior officer of the right flank company, had never received any orders, at any time, to prevent them from so doing. Neither did I remark that the crowd was unusually large on the evening of the 15th of August, being in the quartermaster's tent, just in rear of my own, and a little to the left. After Bradly was shot, the guard was then posted between the left flank of the Virginia regiment and the right of ours, I do not know by whose order, for the purpose, as I suppose, of preventing any further communication between the two regiments. I think it was immediately after the guard was posted that the companies of the regiment were dismissed. I ordered every man of my company to his tent, with injunctions not to leave, under any pretence whatever, unless ordered out by their proper officers. I further stated to the men that I never had had any reason to complain of their conduct, they ever having been obedient to my orders; and that, on this occasion, I was in hopes they would do nothing whereby they might jeopardize their good standing as soldiers; that poor Bradly, by being absent from his quarters, had been shot, and I was in hopes this would be a warning to the others to remain quiet and peaceable in their quarters, and never engage in any row or disturbance in camp. I visited my company frequently till 2 o'clock, a. m., the following morning, perhaps later, when I went to bed. During the time between the firing of the pistol and my going to bed, there was no appearance of disobedience of orders on the part of my company; nor had I, nor have I ever had, any reason to believe that there was any disposition among the men to disobey, except in the case of Hunter, who, I have since heard, remarked in K company that he would not stand post over the wooden horse; that he was perfectly willing to guard Colonel Paine's person or tent. I do not remember from whom I obtained this information, but believe it came from some of the men of Captain Tipton's

company. Hunter belonged to my company, but I never heard of his having made any improper remarks in the company. The morning of the 16th I was called into Colonel Paine's tent by him, and we had some conversation; in the course of which he complained of the treatment he had experienced; said the men had thrown stones at him. He showed me two or three, about the size of my fist, which he said he had picked up around his tent; expressed regret at having killed Bradly, and, I think, he stated that he had thought he lowered his pistol sufficiently; but that the matter had gone far enough, and he was determined to put a stop to it. I think I replied to him that it was very unfortunate that he killed Bradly; that from his previous character, his own assertions just before his death, as well as from what I heard from other soldiers, he had gone to K company for the purpose of visiting a sick friend, and with no evil intention; (he had been transferred from that company to mine a short time previous, as also Hunter, before alluded to.) The same day, (16th,) while the regiment was on afternoon drill, Bradly was buried without the honors of war, by orders of Colonel Paine to me; and I understood that orders had been given to the guard to allow no one to accompany the corpse beyond the chain of sentinels, except the burying squad of about four men. That evening, as I was lying in the quartermaster's tent, some person informed me that an order had been read on parade, discharging me dishonorably. I paid no attention to it, it appearing to me to be so groundless. I thought I should, at least, have been notified of the fact before-hand, that I might have had an opportunity of saying something in my own defence.

Shortly afterwards, however, I received a note from Colonel Paine, informing me that I must leave the camp immediately, or be subject to arrest and confinement. The note, I believe, is in the same terms as that addressed to Lieutenant Singletery, marked "I," and appended to the record. I received at the same time General Wool's order, No. 404. Application was made to Colonel Paine, on behalf of Lieutenant Singletery and myself, for permission to remain in camp till morning. I believe the colonel replied that he had no authority in the matter; at least the request was not granted. I then called on General Cushing with the same object, saying to him that I had not only been unjustly branded with dishonor, but driven from camp at night like a thief, in the rain, while suffering from indisposition, and my life exposed to danger in an enemy's country. He expressed regret, but said he was not commanding general and could not counteract the order, or give me permission to remain in camp till morning. I left camp, accordingly, in company with Lieutenant Singletery, and went to the masonic lodge, in a rancho a few hundred yards from camp, at the request of some members who insisted that I should not go to town that night; that it would be folly to do so, and said that we could occupy the lodge room. We remained in a house near by all night—one which was occupied as a hospital—and next morning came into Saltillo. I afterwards went down to Monterey, made a

statement to General Taylor, and requested that we might, at least, be allowed a trial. He replied that he had had a good deal to do with volunteers, and never had had any difficulty with any, except the present, and that these had been nothing but a source of trouble and aggravation to him; that the officers concerned ought to be dishonorably discharged and the privates shot. I remarked that I had had nothing to do with the disturbance, which I could prove, were an opportunity afforded me of so doing. He replied that General Wool was too prudent a man to act unadvisedly in this matter, and that he would have nothing to do with it. He then abruptly got up, turned his back, and walked off. I returned to Saltillo for the purpose of arranging my money matters, as also for the further purpose of obtaining some certificates, which I deemed necessary for the proper vindication of my character at home. After being here a short time, I was sent for by Major Washington, governor of the town, and ordered to leave town the following morning by 9 o'clock, or I would be sent out under guard. My cousin, Captain Pender, being delirious and hourly expected to die, on the plea of his sickness, I requested of General Wool that I might be permitted to remain until my cousin either died or recovered. The same day, just after my visit to Major Washington, it was necessary I should visit camp for the purpose of procuring my funds which I had deposited with the quartermaster; also to settle off with the men who had deposited money with me. I rode up to the guard tent, made my wishes known to the officer of the guard, and desired him to inform Colonel Paine of my object in visiting camp; also to inform those persons I desired to see that I could be found at the mill two or three hundred yards below. I immediately left the camp, went to the mill, and had been there but a few minutes, when the adjutant and a body of armed men came for the purpose of apprehending me. I was informed, however, of their object when they were some fifty to a hundred yards off, and I jumped upon my horse and rode into Saltillo. On my return to Saltillo, I received information from Major Washington that I would be permitted to remain in Saltillo, provided I would have no communication with camp, till some change was manifested in the condition of my cousin, Captain Pender. Next morning I was again sent for by Major Washington, and informed I must leave town forthwith. I asked him what I had done to call down upon me this order. He said he knew of nothing himself; that it was not an order, but private instructions from General Wool. I requested a copy of them or a written order, both of which he refused. I asked him, first, if I was to go alone; (others who had been ordered off had gone the day previous;) he replied, no. Supposed not. I then asked him if any escort had been ordered to accompany me, and he said no. I replied, that was certainly equivalent to ordering me off alone; and I further inquired, if he had not reason to believe, from report, that the road between here and Monterey was then infested with robbers. He replied in the affirmative. I then stated to him that I had been ordered off; that I should obey that order punc-

tually; that if I should get killed between this place and Monterey, those who ordered me off would be held responsible for my life. He looked somewhat astonished, and told me to remain until I heard from him again. I afterwards again received permission from General Wool to remain until a change took place in Captain Pender's health. In about a week after, a favorable change having, in the meantime, taken place in Captain Pender's health, I left for Monterey. I have every reason to believe my absence acted deleteriously upon Captain Pender's health.

The court adjourned, to meet to-morrow at 10 o'clock, a. m.

EIGHTEENTH DAY.

SALTILLO, MEXICO,
Tuesday, February 15, 1848.

The court met pursuant to adjournment.
Present: all the members and the judge advocate, recorder.

Examination of Lieutenant Pender continued:

In relation to the signing of paper "C," witness states: On the morning of the 16th August, I think, I was sent for and told that I was wanted on the left flank. I went up there, and into Lieutenant Singletery's tent, where I found some two or three other officers. I do not recollect their names. I was shown a paper similar to paper "C," appended to the record, with the exception that it contained the word "*forthwith.*" I remarked that I thought such a paper was necessary, and, I think, gave my reasons. If I did not give them on that occasion, I had done so before—that a paper signed by the officers disapproving of Colonel Paine's course would have the effect to induce him to change his course, or to resign. I had always considered Coolenl Paine an excellent officer, with the exception of his severity, and some instances of partiality. Objecting to the word "forthwith," I was told to strike it out. I gave as reason of my objection, that I desired to be respectful, and thought the word "forthwith" was rather imperative. They all concurred, stating it was also their desire that it should be done in the most respectful manner. Thereupon, I sat down and wrote off one, leaving the word "forthwith" out; and, from the circumstance of my writing it, think it very probable that I was the first one who signed it. Those present signed it also, and I think I afterwards handed it to Captain Kirkpatrick. It was passed round from officer to officer, to sign, but no persuasion was, to my knowledge, used to induce any one to sign it.

Question by Colonel Paine. Are you certain about the evening when I called at the quartermaster's tent for the adjutant? and can you say whether it was on the evening when the wooden horse was destroyed, or on the subsequent evening?

Answer. As well as I recollect, it was on the evening the wooden horse was destroyed.

Question by Colonel Paine. Who was present in the quartermaster's tent at the time when you stated I called for the adjutant?

Answer. There were some two or three individuals present, but I do not recollect who they were.

Question by Colonel Paine. Was it on the evening of the night when you said Major Stokes was at the quartermaster's tent, that I called for the adjutant?

Answer. I don't think it was.

Question by Colonel Paine. Do you, or not, remember whether Second Lieutenant Hyatt left the quartermaster's tent soon after I passed by and had called for the adjutant?

Answer. I do not recollect distinctly. I have since heard that he did.

Question by Colonel Paine. Are you certain that the evening I called by the quartermaster's tent for the adjutant, Major Stokes was, or was not, there that night?

Answer. I don't recollect whether he was, or was not.

Question by Colonel Paine. Can you state, positively, that you saw Major Stokes on the night of the 15th August last, before the pistol was fired in camp?

Answer. I think I did, but am not positive. I think he was in the quartermaster's tent when the pistol was fired, or just previous.

Question by Colonel Paine. How many persons did you see in the cornfield, at the place where you say the depredation was committed, near General Taylor's camp, on the march from Cerralvo, in June last?

Answer. I saw no one. I did not see any persons in the cornfield, but saw some three or four returning from it with green corn.

Question by Colonel Paine. Did you see any one belonging to the North Carolina regiment returning to the train with green corn? and if so, state who the person or persons were.

Answer. I don't think I did. If I saw any, I did not recognize them.

Question by Colonel Paine. What non-commissioned officers do you remember on duty under your immediate command, at the time the depredation was committed in the cornfield?

Answer. I don't recollect. I think Sergeant James Williams, A company, was on duty at the time, with the rear platoon.

Question by Colonel Paine. Were you, or not, on horseback during the march from Cerralvo, and at the time the depredation was committed, and was either of the sub-officers, whom you have named, mounted?

Answer. I was mounted; so were the sub-officers. At some point on the march, I think near the Rinconada, the colonel ordered all the company officers to dismount. I don't recollect where it was he ordered them to dismount.

Question by Colonel Paine. How long after the arrival of the command at the Walnut Springs, (General Taylor's head-quarters,) before Colonel Paine became acquainted with the fact that you knew that depredation had been committed on the cornfield?

Answer. I don't know. Colonel Paine sent for me the day following our arrival, I think it was, to question me in reference to the matter.

Question by Colonel Paine. Had you any consultation or conversation with officers of the North Carolina regiment, at General Taylor's head-quarters, after your arrest there, relative to leaving the regiment? and if so, state with whom, and what it was.

Answer. I stated that I had done my duty, conscientiously, as far as I knew, and it appearing that I could not give satisfaction to my superior officers, I would resign. I may have made this statement to different officers, but I don't recollect particularly to whom.

Question by Colonel Paine. Are you, or are you not aware, that objections to my appointment to the command of the North Carolina regiment were mentioned amongst some of the officers of the regiment, even previous to my taking command of the regiment?

Answer. I heard no objection expressed to the appointment of Colonel Paine, but I heard preference expressed in favor of another person—Captain Wilson. This preference, I believe, was general in the regiment, but all afterwards expressed their willingness to serve under Colonel Paine; and I think the officers were generally satisfied with the appointment of Colonel Paine, when I left Smithsville.

Question by Colonel Paine. Will you state if you recollect what companies were at the place of rendezvous, at Smithsville, when Colonel Paine arrived there?

Answer. The two Edgecombe companies, (A and E,) and, I think, several others.

Question by Colonel Paine. When did you first notice any disaffection amongst the officers of the North Carolina regiment towards Colonel Paine?

Answer. Some displeasure was expressed at Camargo, some time in May; several officers spoke of resigning. This was the first occasion on which I ever heard any dissatisfaction expressed.

Question by Colonel Paine. What was said to be the principal cause of the displeasure, at that time, amongst the officers?

Answer. One cause mentioned, I think, was having posted a sentinel over a spring. It occurred on Colonel Paine's march to Monterey, or in returning. I was not present. It was stated that Captain Williamson, in going to get some water from the spring, was ordered off by the colonel. He complained of Colonel Paine's treatment on the occasion.

Question by Colonel Paine. Did the officers whom you said spoke of resigning, at General Taylor's head-quarters, mention the cause of their displeasure towards Colonel Paine?

Answer. The cause I heard was, that they did not think Colonel Paine treated them with the respect they were entitled to, and was austere in his manners. The affair with private Thompson, before alluded to, and which I did not witness, was also mentioned as a cause of complaint. My arrest was also spoken of, and other matters which I do not now recollect.

Question by Colonel Paine. Have you ever heard any complaint made against me of a neglect of duty as an officer?

Answer. I have not.

Question by Colonel Paine. Have you known of any officer or officers of the North Carolina regiment complaining of the appointment of Colonel Paine, on political grounds? and if so, state what officer or officers objected to Colonel Paine on political grounds, and how, when, and where this objection was made.

Answer. I heard it frequently mentioned, before Colonel Paine assumed command of the regiment. I do not recollect by whom, further than that they were officers of the regiment. From the course he pursued in the legislature, and the opinions he there expressed, they could not see how he could take command of the regiment. His support of the preamble to the resolution passed by the legislature of North Carolina, making an appropriation for the regiment, and relating to the existing war with Mexico, being mentioned.

Question by Colonel Paine. Will you look at the paper now presented to you, and marked L, and say if the letter, of which it purports to be a copy, was written and mailed by you to the President of the United States, and at what place it was written and mailed?

Answer. The witness having read the paper, states: I believe the paper to be a correct copy of a letter written and mailed by me to the President of the United States.

The court adjourned, to meet to-morrow, at 10 o'clock, a. m.

NINETEENTH DAY.

Saltillo, Mexico, *Wednesday*, *February* 16, 1848.

The court met pursuant to adjournment. Present, all the members, and the judge advocate, recorder.

Examination of Lieutenant Pender continued:

Question by Colonel Paine. Do you know if an article was published in the newspapers of North Carolina, about the time of my joining the regiment at Smithsville, suggesting that I would be, or ought to be hissed, when I should appear before the regiment?

Answer. I do not. I knew there were some publications in which very severe language was used in reference to Colonel Paine, and objecting to his appointment, by the Tarborough press; and I have always attributed his course towards me and my company, partly to that circumstance. I understood that the colonel was highly exasperated, at the time, against the author of the publications referred to.

Question by Colonel Paine. Did the publications of which you speak appear in no other newspaper in North Carolina, except the one mentioned in your answer to the previous question?

Answer. I am not able to say; but think it probable that they did appear in other papers.

Question by Colonel Paine. Do you know, or have you heard, of any private of A company, North Carolina volunteers, having received a letter or letters, suggesting that Colonel Paine ought to be shot?

Answer. Never; nor that any such letter had been received by any one.

Question by Colonel Paine. Have you ever known Colonel Paine enter into political discussions, since he has been with the regiment?

Answer. No.

Question by Colonel Paine. Have you reason to believe that any appointments in the regiment, made by Colonel Paine, have been made with reference to political opinions?

Answer. I don't know that I have.

Question by Colonel Paine. Was there any consultation between or among officers of the North Carolina regiment, on the 14th or 15th August last, or shortly before the paper C was signed by you, on the morning of the 16th August, relative to calling on Colonel Paine to resign?

Answer. Not immediately previous to the 16th August.

Question by Colonel Paine. Was there, prior to the 14th August last, any agreement amongst officers of the North Carolina regiment, or any conversation among such, relative to Colonel Paine being called on to resign; and if so, state what that agreement or conversation was, when and where it occurred, and who was present?

Answer. There was no agreement, but a conversation amongst several officers—some five or six—don't remember exactly the number. It took place some two or three weeks previous to the 15th August, somewhere between the left flank company and the right company of the left wing. It was in front of the officers' tents—don't recollect the particular tent. Captain Price was present, and, I think, Captain Kirkpatrick and Lieutenant Singleton, were present. The conversation related to the getting up of a paper requesting Colonel Paine to resign, and the probable effect it would have on his course. Captain Price, I think, either on that occasion or at some other time, but I think on that occasion, stated something about refusing to drill, if, after sending in the paper, Colonel Paine did not change his course; that unless he did, he would not serve under him. That is all I recollect of the conversation which occurred on the occasion.

Question by Colonel Paine. How came you to go to Lieutenant Singletery's tent, the morning after 16th August last, at the time you signed the paper C?

Answer. I was sent for to go to the left wing, and went down there and found several officers at Lieutenant Singletery's tent, and I went in.

Question by Colonel Paine. Were any officers sent for, and what officers, while you were at the tent of Lieutenant Singletery?

Answer. No one was sent for, to my knowledge, while I was there.

Question by Colonel Paine. Who sent for you, and who delivered the message to you?

Answer. I don't recollect. I don't think I was told that any one wanted me.

Question by Colonel Paine. When you objected, as you say, to the word "forthwith," which occurred in the original of which you say paper C is a copy, did any one make any opposition to the word forthwith being stricken out?

Answer. No; the alteration was readily agreed to by all.

Question by Colonel Paine. Was paper C handed by you to Captain Kirkpatrick, in the tent of Lieutenant Singletery; and if not there, at what place did you hand it to him?

Answer. I think I did not hand the paper to Captain Kirkpatrick in Lieutenant Singletery's tent, but in front of the officers' tents—don't recollect which. I think he signed it in Lieutenant Singletery's tent—am quite confident of it.

Question by Colonel Paine.—Was paper C, which you say you handed to Captain Kirkpatrick, returned to you?

Answer. I don't recollect.

Question by Colonel Paine. Were there any persons besides commissioned officers in the tent of Lieutenant Singletery, while you were there talking about the paper C?

Answer. I think not. I am confident there were not.

Question by Colonel Paine. Did you take or send the paper C to any other person or persons, and to whom besides Captain Kirkpatrick?

Answer. I think I handed the paper without any remarks to Lieutenant White and Surgeon Cobb, in the rear of the officers' tents. Lieutenant White read it and handed it back to me, and said he would have nothing to do with it. Dr. Cobb also declined signing it. I think those were all I handed it to. I used no persuasion to induce any one to sign it. Previously, or after this, the paper was left at Lieutenant Staton's tent, and most of the officers signed it there.

Question by Colonel Paine. Did you, or not, present the paper C to Lieutenant White, after you had handed it to Captain Kirkpatrick?

Answer. It was afterwards, and, I think, after all the signatures were subscribed to it.

Question by Colonel Paine. To whom did you last hand the paper C, after all the signatures had been subscribed to it?

Answer. I think I carried it to the adjutant's tent. I either carried or sent it. The adjutant was not there, and it was left at the adjutant's tent, with a verbal message to the clerk, that it was to be given to the adjutant for Colonel Paine. I don't recollect who the clerk was.

Question by Colonel Paine. Was the clerk, to whom you handed the paper C, a private of the North Carolina regiment, and was the paper open or sealed, when you handed it to the clerk?

Answer. I don't know whether he was a private or a non-commissioned officer, he was one or the other: the paper was not sealed.

Question by Lieutenant Singletery.—Was the language of Captain Price, in the conversation referred to, understood to be the expression of a fixed determination on his part, or merely to express his dissatisfaction with Colonel Paine?

Answer. It was certainly to express his dissatisfaction with Colonel Paine. He spoke of the propriety of the course suggested. I do not think he had come to any fixed determination.

Question by Lieutenant Singletery. Do you believe that I entertained any prejudice against Colonel Paine, at the formation of the regiment, and what do you know of my feelings towards him then, and afterwards?

Answer. I believe he entertained no prejudice against Colonel Paine, at the formation of the regiment, and I have known him to defend Colonel Paine after his arrival in Mexico. A very bitter dispute arose one day between him and another officer of the regiment, who had said something against Colonel Paine in relation to his conduct as an officer.

Question by Lieutenant Singletery. What was Colonel Paine's usual conduct on drill, while at Buena Vista?

Answer. I thought it, at times, disrespectful to officers and men. On one occasion, I think at morning drill, while forming the regiment, it being quite cold, a private of my company put his hand in his pocket; I think inadvertently. Colonel Paine came up to him, and, I think, used the following oaths: "You damned rascal, what are you doing with your hands in your pockets;" following up his words with a blow of his sabre. He stepped off some distance and again returned, and remarked to the soldier: "You appear to be mad; next time I will give you something to get mad at, and will stick my sword into you;" or words to that effect. I think this occurred on the 14th August. I drew up charges against Colonel Paine, but before I had an opportunity to prefer them, I was discharged.

Question by Colonel Paine. Will you state the name of the soldier whom you say was stricken by Colonel Paine, and on what part of his person the blow was inflicted?

Answer. The name of the soldier is John I. Barnes. I can't say positively on what portion of his body the blow was inflicted, but think about the centre. I was on the right of the company, and could not see distinctly.

Question by the court. Was it an officer, a non-commissioned officer, or a private, who came after you to go to Lieutenant Singletery's tent, on the 16th August; and what is the name of the person?

Answer. I don't recollect who the person was.

Question by the court. Did any of the non-commissioned officers or privates know of the meeting on the 16th August, or of the paper which was signed on that occasion?

Answer. Not that I know of.

Question by the court. You express it as your belief that your absence acted unfavorably to the health of your cousin; was your attendance upon him unremitting, or very assiduous?

Answer. While I was here, I attended on him; received the pre-

scriptions from the surgeon, and administered his medicines to him. He had also two men of the regiment in attendance on him; he was constantly delirious, and would often ask me not to leave him. The effect of my leaving was mental only. I have no idea that he suffered from neglect. He had lived with my father's family for several years before his appointment in the army, and we were more like brothers than cousins.

Question by the court. When the permission to remain, which was granted to you on the plea of Captain Pender's sickness, was rescinded, were you not conscious of having given cause for it, by spending your time in a different manner than in attendance upon him?

Answer. I was not; I did not leave the hotel, where he was lying sick, except in the evening, when it was my habit to take a ride, and occasionally for a few minutes at a time.

Question by the court. Do you know, or have you any reason to suspect, that either non-commissioned officers or privates of the Virginia or North Carolina regiments were aware, before the 13th August last, of the fact that the letter, of the 7th August, to General Taylor had been written; which letter is appended to the record, and marked E?

Answer. I had not then, and have not now, any reason to suspect that any of the soldiers of those regiments were aware that the letter had been written, with the exception of the man mentioned in Lieutenant Singletery's testimony; and I was not aware of that until he mentioned it.

Question by the court. Previous to the destruction of the wooden horse, before alluded to, did you know that such an act was contemplated; had you heard it spoken of, or had you any reason to suspect it?

Answer. I did not know it; had not heard it mentioned, and had no reason to suspect it.

Question by the court. Were any of the privates, or non-commissioned officers, of the North Carolina or Virginia regiments aware, previous to the 16th of August, that you, or other officers, contemplated asking Colonel Paine to resign?

Answer. Not within my knowledge.

The court adjourned to meet to-morrow, at 10 o'clock, a. m.

TWENTIETH DAY.

Saltillo, Mexico,
Thursday, February 17, 1848.

The court met pursuant to adjournment; present, all the members and the judge advocate, recorder.

The examination of Lieutenant Pender, continued:

Question by Colonel Paine. Did you, or not, present the paper, marked C, to Second Lieutenant Nelson Slough, of the North

Carolina regiment, and ask him, at the time, if he did not wish to sign his death warrant, or words to that effect?

Answer. I think not; I met Lieutenant Slough and told him the paper was in Lieutenant Staton's tent, if he wished to sign it. He read the paper in my presence, and said he would sign it cheerfully. I don't remember whether or not I used the expression stated in the question. I may have done so jestingly.

Question by Colonel Paine. Did you, or not, take the paper C to the tent of Captain Tipton, North Carolina volunteers, that he might sign it; and was he not very ill at the time?

Answer. I do not recollect whether or not I carried the paper to Captain Tipton's tent; I know he was very ill at the time.

Question by Colonel Paine. Were you present at, or did you hear of, any consultation, agreement or conversation, prior to the 15th August, between or among any officers of the North Carolina regiment, to the effect that a commissioned officer of said regiment was to send in his resignation to Colonel Paine, and that if Colonel Paine did not approve the resignation, then he (Colonel Paine) was to be requested to resign?

Answer. No.

Colonel Paine here laid before the court a letter signed Wm. J. Price, captain North Carolina volunteers, which he requested might be appended to the record; for the reason that he had never known or heard, before Captain Price left Mexico, that he (Captain Price) was in any way disaffected towards him, or that he had disapproved of his course as commander of the regiment. He also stated that his object in submitting the letter to the court was to vindicate Captain Price.

The letter being proven by Lieutenant Singletery to be in the handwriting of Captain Price, it was appended to the record, and marked M.

By permission of the court, Lieutenant Singletery here made the following statement: I have frequently heard Captain Price speak of Colonel Paine in the strongest terms of condemnation; he had done so in the presence of other persons. I remember that shortly before he was ordered on the recruiting service, he had tendered his resignation, and he stated repeatedly in my hearing that, although his professed reason for resigning was ill health, his principal motive was to get from under the control of Colonel Paine. I have frequently heard him say, that he thought the regiment would be justified for refusing to muster under Colonel Paine, stating at the same time, that he was anxious to avoid committing himself; and he frequently spoke of the conduct of Colonel Paine as being tyrannical, overbearing, and marked by the most perfect contempt for his officers.

Second Lieutenant D. H. Black, North Carolina volunteers, a witness, called by the court at the request of Colonel Paine, was duly sworn.

Question by Colonel Paine. Do you know if a guard was called out by Colonel Paine on the night of the 15th August last; and if so, will you state the reason for calling out the guard?

Answer. I was sergeant major at the time. I do know that a guard was called out by Colonel Paine on the 15th August. It was called out to prevent any depredation on his tent, or insult to his person, and if possible, to arrest any persons who were found throwing rocks at his tent.

Question by Colonel Paine. Who had charge of that guard?

Answer. I had charge of the guard.

Question by Colonel Paine. Where was this guard posted, and at what time?

Answer. It was posted at the colonel's tent, about half past seven o'clock, p. m.

Question by Colonel Paine. Was there any difficulty in making a detail for the guard; and if so, state that difficulty?

Answer. There was a difficulty in obtaining the guard. I went to K company to detail two men from that company, and directed the first sergeant to send them up to the colonel's tent. I went back to the colonel's tent, waited some ten or fifteen minutes, and seeing that the detail did not come, I went again to the sergeant of K company. He (Sergeant Palmer) told me that he could not get the men to turn out, but said he would go to Lieutenant Israel, who was then in command of the company, and he would make the men go directly to the colonel's tent; I then went back to the colonel's tent, remained some ten or fifteen minutes, and the guard not having come, I went again to the sergeant. The sergeant said it was impossible to get the men to turn out. I told him he had better report the fact to the colonel, which he did in my presence.

Question by Colonel Paine. Do you know what measures were adopted by Colonel Paine, to enforce obedience to the orders for for the detail from K company?

Answer. The colonel went to the street of K company, and ordered the roll of the company to be called, two at a time, and ordered each two to report to me in rear of his tent, and kept on successively sending the company by twos to the rear of his tent. He again had the roll called there, and ordered two men from the left of the company to turn out as a detail for the guard, which they did.

Question by Colonel Paine. Do you know if any soldier of the North Carolina volunteers, not belonging to K company, was in that company's quarters, persuading the men to disobedience of orders?

Answer. No; not of my own knowledge.

Question by Colonel Paine. Was any report of such soldier persuading the men of K company reported to you, and by you to Colonel Paine?

Answer. Yes; the report was made to me by Orderly Sergeant Palmer, of K company, that Private Jason Hunter, of company A, (one of the privates discharged by General Wool's orders, No. 404,) stated in the street of company K, that he would be damned if he would turn out, and that they, the men of K company, were damned fools if they did so.

Question by Colonel Paine. Do you know if any stones were thrown at Colonel Paine, or at his tent, and at what time or times, on the night of the 15th August last?

Answer. I do know that stones were thrown at the colonel's tent, at various times, between 8 and 10 o'clock, on the night of the 15th August last.

Question by Colonel Paine. Do you know of any person or persons, not belonging to the North Carolina regiment, approaching, or attempting to approach, Colonel Paine's tent after the guard was posted there?

Answer. I do; I saw a party of men approaching the colonel's tent, coming from the direction of the Virginia regiment. I went after them to arrest them, but they ran off, and I was unable to take them. They were within about twenty yards, the width of the two company streets, of the colonel's tent when I went after them. This was about 9 o'clock at night.

Question by Colonel Paine. From what you saw on the night of the 15th August, had you, or not, reason to believe that the men not belonging to the North Carolina regiment, whom you saw in the camp of that regiment, intended some violence to Colonel Paine?

Answer. It was evidently their design, from what I saw, to insult Colonel Paine; and my opinion was that they intended violence to Colonel Paine.

Question by Colonel Paine. Had you, previous to the night of the 15th August last, heard of any threats being made against Colonel Paine?

Answer. I heard none made myself, but I heard that threats had been made against Colonel Paine. I have heard men of the North Carolina regiment say, that they had heard Virginians say, that the colonel (Paine) had better not be flying around them when they were sentinels; that they would fix him.

The court adjourned to meet to-morrow, at 10 o'clock, a. m.

TWENTY-FIRST DAY.

Saltillo, Mexico,
Friday, February 18, 1848.

The court met pursuant to adjournment; present, all the members and the judge advocate, recorder.

Examination of Second Lieutenant Black, continued.

Question by Colonel Paine. Do you know of my having attempted to apprehend any persons in the North Carolina camp, on the night of the 15th August last?

Answer. I do; about half-past 9 o'clock, I heard a party of persons coming from the direction of the Virginia regiment. I imme-

diately sent for Colonel Paine, and told him that a crowd of persons had passed into the street of D company. The colonel went down in that direction. About a minute afterwards, I heard him repeatedly halloo, "halt," and once, "*halt or I will fire.*" Directly afterwards, there was a report of a pistol. I ordered the guard down, and found, on arriving in D company street, that a man named Bradly had been shot. The colonel then ordered the companies under arms, and I ordered my guard back to his tent. On arriving at the colonel's tent, I found two of my guard missing, and they remained absent during the night. One belonged to company K and one to company D; their names are Doughty and Jennings.

Question by Colonel Paine. Were any men called for from H company to stand guard, in camp, the night of the 15th August last, previous to the firing of the pistol?

Answer. No, there were not.

Question by Colonel Paine. Were you ordered, and by whom, to have a sergeant detailed from any company of the North Carolina volunteers, on the night of the 15th August last; and, if so, state by whom the order was given, what was the order, what the company from which the detail was ordered, and what occurred in consequence of the order?

Answer. I was ordered, by Colonel Paine, to detail a sergeant from H company. I went to Davis, of H company, and told him I wanted him to act as sergeant of the quarter guard. He said he was sick and unable to do so. I reported it to Colonel Paine, and he then ordered me to detail Sergeant Hardie, of H company. He, also, said he was sick. I reported again to Colonel Paine, who ordered me to go to Surgeon Cobb, and tell him to go and examine Sergeant Hardie, to see whether or no he was sick; which I did. The colonel then ordered me to go to B company, and detail Sergeant Webb. I went and made the detail, and Sergeant Webb was placed in charge of the guard at the colonel's tent during the night.

Question by Colonel Paine. Do you, or not, know if there were not an unusual number of the non-commissioned officers and privates of H company, North Carolina volunteers, absent from battalion drill early on the morning of the 16th August last, the morning after the disturbances in camp?

Answer. I do not recollect.

Question by Lieutenant Singletery. Was it not too dark for the persons who were throwing stones on the night of the 15th August last, to distinguish Colonel Paine, and do you believe that they intended to *assassinate* him, as alleged in order No. 404?

Answer. It was too dark to distinguish a man at any distance, unless you knew him very well. I believe if they had got the Colonel off, they would have done him violence, but as to assassinating him, I can't say.

Question by Lieutenant Singletery. You have stated that you thought that the Virginians would have done violence to Colonel

Paine if an opportunity had offered; do you believe they came into the North Carolina camp to seek an opportunity?

Answer. It was evidently their design to insult Colonel Paine, and, I believe, if an opportunity offered, to do him violence.

Question by Lieutenant Singletery. Were not the men who left the guard, tried and punished by court martial for this offence?

Answer. They were tried and punished some time afterwards.

Question by Lieutenant Singletery. Did any one, to your knowledge, attempt to pass the lines of the quarter guard posted around Colonel Paine's tent, on the night of the 15th of August, 1847?

Answer. No.

Question by Lieutenant Singletery. At what time did Captain Tipton's company (K) join the regiment; how long was it before the 15th of August?

Answer. It joined the regiment in the early part of July; I do not recollect what day.

Question by Lieutenant Singletery. Did you not detail Private Jason Hunter, of A company, to stand post at the colonel's tent on the night of the 15th of August last, and did he not readily obey the order?

Answer. I did detail him, and he stood guard at the colonel's tent the remainder of the night.

Question by Lieutenant Singletery. State all you know of my conduct as an officer, before and since the 15th of August last?

Answer. I have always known him to be a good officer, to have perfect command of his company, and to be a very strict disciplinarian.

Question by Lieut. Singletery. What has been Colonel Paine's general conduct as commander of the regiment, before and since the 16th of August last?

Answer. I know very little of his conduct as commander since the 16th of August, for I have not been with him; previously I was with him all the time, and I think he was very overbearing, to non-commissioned officers in particular.

Question by Lieutenant Singletery. Please mention some instances of what you have stated?

Answer. Once, while in camp at Papa-Gallos, I was acting as orderly sergeant of H company. At night, the men were sent off by the colonel's order to sleep with the wagons. I remained in camp, on the opposite side of a ravine. In the morning at reveille I got up to call the roll, and there were but four or five men present, some of whom were sick. I was waiting for the men to come from the wagons before calling the roll. The colonel in the mean time came up, and inquired where this "damned sergeant" was. I told him I was there; says he, "you God damned scoundrel, why have not you called the roll?" I replied to him that I was waiting for the men to come from the wagons. He said to me, "if you don't call your roll within five minutes after the drum ceases to beat, I will reduce you to the ranks, God damn you, and if I can't find men in your company who will discharge their duty as sergeants, I will make privates of you all, and take sergeants from

other companies." I know of other instances in which he has cursed non-commissioned officers and privates, but not in the violent manner he did on the occasion I have just stated.

Question by Lieutenant Singletery. Did not Colonel Paine use a great many oaths and much violent abuse at that time, more than you have stated?

Answer. I have not enumerated near all the oaths or abusive language he used on that occasion.

Question by Lieutenant Singletery. Do you know any instance of Colonel Paine's cursing a commissioned officer?

Answer. I do remember one instance of Colonel Paine cursing a commissioned officer, Captain Kirkpatrick. It was on the Rio Grande, the first day's march from the Brassos. I recollect his cursing him, but what he said I don't remember.

Question by Lieutenant Singletery. What was Colonel Paine's usual manner on drill, while at Buena Vista?

Answer. He was generally very violent in his manner. I mean that pretty much every day he would curse at the guides and companies. For instance, he would say, "look at that God damned guide, where he is going!"

Question by Lieutenant Singletery. Did he generally treat the officers with any sort of respect, particularly on drill?

Answer. When on drill the colonel never seemed to pay respect to anything except the drill.—On reading his testimony to the witness he made the following addition to his answer to this question, to wit: I mean to say that he was not respectful to officers, non-commissioned officers, or privates, on drill.

Question by Lieutenant Pender. Was not Andrew H. Bradley, the soldier killed, and Jason Hunter, (spoken of by you as having been reported by Sergeant Palmer for using improper language in K company,) transferred from K to A company, but a short time previous to the occurrence of the 15th August, 1847?

Answer. They had been.

Question by the court. Did you or any of the non-commissioned officers, or privates, know, at or about the times of their respective dates, that the paper E, or the paper C, was to be, or had been, signed, or sent by the officers?

Answer. I knew nothing of the paper C until after it was sent to the colonel. On the evening of the 16th August, I saw a paper, which I suppose to be the original from which paper C was copied, from the fact that the word "forthwith" was erased, in Lieutenant Singletery's tent. I went in there, and seeing the paper on a box, read it. There was no one else in the tent. I know nothing about paper E. I do not know that either non-commissioned officers or privates knew anything about either of the papers.

Question by the court. When company K was turned out under Colonel Paine's order, and sent by him to his tent, on the evening of the 15th August, where was Lieutenant Israel, the officer in command of that company.

Answer. He was present, and superintended the roll-call in rear

of the colonel's tent; and I had seen him in the street of the company just before the colonel went there.

Question by the court. Have you reason to believe that any non-commissioned officers, or privates, of the North Carolina or Virginia regiment were aware, before the 15th August, of the intention of officers to ask Colonel Paine to resign?

Answer. No, I have not.

Question by the court. Previous to the evening of the 14th August last, had you heard anything said of an intention to destroy the wooden horse before referred to?

Answer. No.

Question by Lieutenant Singletery. Did the clerk, Jones, ever inform you whether or not he knew the contents of paper "C," when he carried it to the colonel?

Answer. He never did.

Question by Colonel Paine. What signatures were attached to the paper you saw in Lieutenant Singletery's tent on the evening of the 16th August last, and about what time of the evening did you see the paper?

Answer. I don't recollect the signatures. It was immediately after dress parade that I saw the paper.

Question by Lieutenant Singletery. Did the clerk, Jones, ever say anything to you about the paper "C?"

Answer. He said he supposed the paper "C" was the one I had seen him carrying to the colonel's tent on the morning of the 16th August.

The court adjourned to meet to-morrow, at 10 o'clock, a. m.

TWENTY-SECOND DAY.

Saltillo, Mexico,
Saturday, February 19, 1848.

The court met pursuant to adjournment.

Present: All the members and the judge advocate, recorder.

First Sergeant William M. Palmer, company K, North Carolina volunteers, witness called by the court, at the request of Colonel Paine, was duly sworn.

Question by Colonel Paine. Do you know if any disturbance occurred in the camp of the North Carolina volunteers on the night of the 15th August; and if so, state what occurred?

Answer. The sergeant major came to me on the night of the 15th August last, and told me he wanted a couple of men to go to the colonel's tent. I detailed one, Robt. Rodgers, and went to detail another, Stradley; and when I returned to see if the first was hurrying to get ready, found he was taking his accoutrements off. I asked him if he was about ready, and he replied that he did'nt want to go; that he did not volunteer to come to Mexico to guard a wooden horse; and a man, Jason Hunter, of A company, North Carolin a

volunteers, who was standing by him, said: "*Yes, you would be a damned fool if you did.*" I then went back to the other man, and he was not making any preparations at all, and refused to go. I then went to Lieutenant Israel, then in command of the company, and reported to him that the colonel wanted a couple of men to go to his tent, and that I could not get them to go. He came out and ordered them to go, but they still refused. A short time after he came out, the sergeant-major again came to me and asked me why the men had not been sent up. I told him they refused to go, and I could not get them to go. The sergeant-major said I had better report to the colonel that the men had refused to go to his tent, which I did. The colonel then ordered me to detail a file of men and bring them to his tent. I went back and detailed one man, Smith; but by this time the colonel had come out himself. He then ordered these men, Rodgers and Stradley, to be sent to the provost guard. I detailed private Worley, and he refused to take his arms to conduct these men to the guard house. The colonel then asked me who a certain man was, pointing at Nathan Tathan; and he ordered him to go with the prisoners to the guard-house. He refused; and it was not till the colonel had drawn his sword and held it over him that he was induced to obey, and take his arms and go with me with the prisoners to the guard-house. Smith, one of the first detailed, was now ready, with whom and Tathan, I took Worley and Rodgers to the guard-house. Stradley, who was also ordered under guard, absented himself and could not be found.

Shortly after I came back, *tattoo* beat, and I called the roll. The colonel coming up, asked me if the man who had been absent, meaning Stradly, had answered to his name. I told him he had, and the colonel ordered him to be taken to the guard-house. He was taken to the guard-house by Sergeant Henry and a file of men. After he had started, he turned round and spoke to the men, saying: "*men, if you are men of your word, stick up to what you have said.*" The colonel then ordered me to call the roll, two at a time, and, as called, the men were ordered, by twos, to the rear of the adjutant's office tent. I was then ordered to call the roll again, in rear of the adjutant's tent. The men all answered to their names, and the colonel ordered the two men on the left of the company to go to his tent; their names are Andrew and Doughty. They went, and he then ordered me to march the company back to the company street and dismiss it. I did so, and the men all retired to their tents in good order. Shortly after *taps*, I saw the flash and heard the report of a pistol, and saw the men run at whom the pistol appeared to be fired. They ran from the cook fire of company D, through the street of that company. As they entered the street, the intermediate tents prevented my seeing them, but when they were about the camp fire, they were in plain view. They looked like they might be eight or ten. Immediately after the gun was fired, the colonel called upon all the regiment to turn out under arms. I ordered our company (K) to turn out, and they did so in good order, and remained under arms until dismissed. The com-

pany was under arms from half to three-quarters of an hour, and when dismissed they retired to their tents. About this time the sergeant major reported to me that one of the men of K company, (Doughty,) who had been detailed for guard at the colonel's tent, was missing. I accordingly went to Doughty's tent, but he was not there, and could not be found, and I was obliged to detail another man, L. S. Robinson, in his place. Doughty was not found till the next morning. He was found at the guard-house, but he had gone there of his own accord. The guard house was about 300 yards distant. The balance of the night passed off quietly. The next morning at reveille, while I was calling the roll, the colonel came up and asked the man on the right of the company if he had been concerned in the mutiny the previous night, and the man, Private O. H. Williams, replied: "*yes, if there was any, he was engaged in it,*" or words to that amount. The colonel then ordered me to take him to the guard-house, (provost.) I did so, and when I got there, I found Doughty, who had been missing the night before. I brought Doughty back with me, and reported to the colonel, who then ordered me to take him (Doughty) to the guard house.

Paper "N" was here ordered by the court to be appended to the record.

Question by Captain Tipton. Do you know of any other instance in which any member of my company has refused to obey the orders of Colonel Paine?

Answer. No, I do not.

Question by Lieutenant Singletery. After Lieutenant Israel had ordered them, in what terms did the men (Rodgers and Stradly) refuse to go to the colonel's tent?

Answer. These men, and several others, said they would stay in the guard-house till the end of the war, before they would guard the wooden horse.

Question by Lieutenant Singletery. Had Stradly been notified that he was arrested when you carried Rodgers and Worley to the provost guard?

Answer. No, we could not find him to notify or arrest him.

Question by Lieutenant Singletery. Was there any disturbance in company K after the men were marched from the rear of the adjutant's office and dismissed?

Answer. There was none.

Question by Lieutenant Singletery. Have you any reason to believe that any of the men of company K had agreed to resist the authority of Colonel Paine, on the night of the 15th August last?

Answer. I believe there was an agreement among some of the men of the company to refuse to guard the wooden horse. I have reason to believe this only from what *Stradly* said; and that is as much as I heard any of them say. I don't believe there was any further agreement to resist the colonel's authority.

Question by Lieutenant Singletery. At what time did Captain Tipton's company join the regiment?

Answer. The second day of July.

Question by Colonel Paine. Did Jason Hunter say anything in

relation to any other persons not going, when he said the men of K company were damned fools if they went to the colonel's tent?

Answer. I don't recollect that Hunter said anything more than I have stated, and *that* he said to Rogers personally; that he, Rogers, would be a damned fool if he turned out.

Question by Colonel Paine. Did you observe *Nathan Tathan* do anything with his musket, when he first took it from the stack of arms?

Answer. I did not see him do anything unusual with his musket, as well as I can recollect.

Question by the court. Do you know whether any of the men of the North Carolina regiment were aware of the intention of the Virginians to insult or attack Colonel Paine, on the evening of the 15th August?

Answer. I do not.

Question by Lieutenant Singletery. Do you know of Lieutenant Singletery's being among the men of company K, on the evening of the 15th August, or have you ever heard that he had anything to do with their refusing to guard the wooden horse?

Answer. I did not see Lieutenant Singletery in company K, on the evening of the 15th August, and I never heard him, at any time, encourage the men to refuse to guard the wooden horse, nor have I ever heard that he had so encouraged the men.

Question by Colonel Paine. Did you ever hear Lieutenant Singletery say anything about the wooden horse?

Answer. I don't recollect that I ever did.

Question by Colonel Paine. Do you know, or have you any reason to believe, that any rocks were thrown by any men of company K, on the night of the 15th August last?

Answer. I don't know of any stones being thrown by men of the company, nor have I any reason to believe that any were thrown from the company grounds; nor have I any reason to believe there were any so thrown.

Second Lieutenant N. White, North Carolina volunteers, a witness called (at the request of Colonel Paine) by the court, was duly sworn.

Question by Colonel Paine. Will you state if any disturbance occurred in the camp of the North Carolina volunteers, on the night of the 15th August last, and if so, state what occurred?

Answer. On the night of the 15th August last, shortly after retreat, my attention was attracted by a number of men, belonging to other regiments, passing to and fro, collected in groups in the camp of the North Carolina regiment. They were passing in different directions about the camp—an unusual thing. They seemed to have more than ordinary intercourse and conversation with men of our own regiment. Between half-past eight and nine o'clock, as well as I can recollect, I saw Colonel Paine standing in the main street of the encampment. I walked up and entered into conversation with him. While standing very near him, a stone was thrown, which passed between the colonel and myself, grazing my

pantaloons. The colonel observed to me that I had better get away, as I was in dangerous company. We remained standing there until two more stones were thrown, as well as I recollect. We were standing there altogether, perhaps, five or ten minutes. We separated, and I went into my tent, near by. While in my tent, I heard several more stones fall. The next morning I picked up several stones, which I supposed were some of those thrown the night previous, (as we kept the grounds about always very clean,) some of which were as large as my fist, and I would judge, from their size, exceeded a pound in weight. I remained in my tent till, I suppose, half after nine o'clock, waiting upon Captain Shive, who died that night; when one of the men of my company informed me that there was a large crowd of men collected in company D street, I think he said—the third company from the right. I immediately walked out into the main street of the encampment, and could see, from where I stood, by means of the lights in the officers' tents of the Virginia regiment, a collection of persons—I should think from twenty to thirty, judging from their appearance, and the noise they made when running off—assembled in the street separating the officers' from the mens' tents, and, as I thought, about the head of company D street, North Carolina regiment. I had been standing there but a short time, when I saw Colonel Paine pass down, in rear of the line of company officers' tents of the right wing, in the direction of this crowd, and in a few minutes the crowd dispersed. As they were running off, Colonel Paine called upon them to halt, I think, three times, in a loud voice. No attention was paid to the order, and some man in the crowd said: "*Go to hell, God damn you!*" and either the same, or another man said: "*Shoot, and be damned!*" Immediately afterwards I heard the report of fire-arms; and I repaired to the spot, and found a man, whose name I understood was *Bradly*, of company A, North Carolina volunteers, wounded. Colonel Paine requested me to go for the surgeon, which I did. In dispersing, some of the crowd ran down the line of company officers' tents, but the greater portion ran towards the front of the camp. All seemed to go towards the camp of the Virginia regiment. The stones which were thrown, while I was standing with Colonel Paine, appeared to come, as I judged from the direction in which they rolled, obliquely from the front of the camp, and over the streets of D and K companies, or the street of K company alone. My impression was, that the person or persons who threw the stones came to the front of the encampment and looked down the main street, to ascertain the position of Colonel Paine, and afterwards retreated behind company K, or companies K and D, as several stones were thrown after Colonel Paine left. I thought that they were not aware that he had left the place.

Question by Colonel Paine. How far was the crowd of persons, of which you speak as being fired at, from Colonel Paine's tent when you saw them?

Answer. Not to exceed fifty or sixty yards, as well as I can judge.

Question by Colonel Paine. From what you saw occurring in the camp of the North Carolina volunteers that night, what was your belief as to the intentions of the crowd you last saw?

Answer. My belief was that they intended to do Colonel Paine great bodily injury, and would have murdered him, had an opportunity offered. The stones were thrown with great force. I heard them passing through the air, and two or three passed very near me. My impression is that, if one of them had hit Colonel Paine on the head, it might have killed him.

Being interrogated by the court, witness further stated: My reason for supposing these stones were aimed at Colonel Paine was, that I heard that stones had been thrown the same evening at Colonel Paine's tent; and while standing with Colonel Paine in the main street, he remarked to me that it was not the first time stones had been thrown at him.

The court adjourned to meet on Monday, the 21st February, at 10 o'clock, a. m.

TWENTY-THIRD DAY.

Saltillo, Mexico,
Monday, February 21, 1848.

The court met pursuant to adjournment.

Present: All the members, and the judge advocate, recorder.

Examination of Second Lieutenant White continued:

Question by Colonel Paine. Had you ever, previous to the night of the 15th August last, seen occurrences in the camp of the North Carolina volunteers, similar to those you witnessed there on that night?

Answer. I never had.

Question by Colonel Paine. Do you know of any disturbance having occurred in the camp of the North Carolina volunteers at any time shortly preceding the 15th of August last; and if so, state what the disturbance was?

Answer. On the evening of the 14th of August, just after retreat, a large number of persons, whom I judged to belong to the Virginia regiment, assemb'ed with some of the men of the North Carolina regiment around a bench or wooden horse which had been placed in rear of the adjutant's tent. After amusing themselves by making remarks and laughing at it, they dispersed. I then perceived it had been pulled to pieces. The next morning, I saw what I supposed to be a portion of this wooden horse stuck upon the parade ground, with a paper attached to it, with, I think, some insulting allusion to Colonel Paine.

Question by Colonel Paine. State if you saw any officers of the North Carolina regiment standing near the scene of the disturbance in the camp of the North Carolina volunteers on the evening of

the 14th of August last, and whether they were condemning, or amused at the disturbance?

Answer. I was standing with a group of officers at Colonel Fagg's, or Captain Pender's tent, at the time; there seemed to be some merriment, which I think was excited more by the remarks coming from persons assembled around the wooden horse, than by anything else. I do not think there was any officer present who had the slightest suspicion of what was about to take place.

Question by Colonel Paine. Do you know of Colonel Paine having ever permitted any act of insubordination in the North Carolina regiment to go unpunished?

Answer. I do not.

Question by Colonel Paine. State what you know relative to the construction and use of the wooden horse in the North Carolina regiment?

Answer. I was present in Colonel Fagg's tent, with Colonel Paine, Lieutenant Colonel Fagg, and some other officers, whose names I do not now recollect, when riding men on a wooden horse was spoken of by some one as a punishment sometimes adopted in the army, and I think Colonel Paine observed that he would have one erected for the benefit of some of his men who were too lazy to get up at reveille. It was erected, but I never heard of its being used.

Question by Colonel Paine. State if you heard previous to, or on that night, (the 15th of August,) of any threats having been made against Colonel Paine by any soldier, or soldiers, and to what regiment or corps they belonged?

Answer. I had heard of threats having been made against Colonel Paine previous to the 15th of August. I heard that some of the Mississippians had threatened to shoot him when he was officer of the day.

Question by Colonel Paine. Will you state if there was any impression among the officers of the North Carolina regiment, relative to threats which had been made against Colonel Paine?

Answer. I have heard some of the officers of the North Carolina regiment express fears for Colonel Paine's safety when acting as officer of the day.

Question by Colonel Paine. State if you have ever known Colonel Paine to punish either a non-commissioned officer or private of the regiment, except for neglect of duty, or breach of discipline; and state further what has been the modes of punishment for these offences?

Answer. I have never known him to punish non-commissioned officers or privates, except for breaches of duty. The punishment was confinement in the guard-house, putting them in irons, and when they have been very noisy and ungovernable, he has sometimes ordered them to be gagged. He has also punished non-commissioned officers by confining them to their tents.

Question by Colonel Paine. Have any punishments inflicted by Colonel Paine on soldiers of the North Carolina regiment been of a tyrannical character?

Answer. I think not.

Question by Colonel Paine. State if any difficulties have existed in the regiment in enforcing promptness of attention to roll-call, of attaining to cleanliness in the persons, arms, and accoutrements of the soldiers, and in the policing of the camp and quarters of the companies of the North Carolina regiment?

Answer. Yes, a good deal of difficulty existed at one time. Shortly after the regiment arrived at Buena Vista, Colonel Paine was under the necessity of going around almost every morning to see whether the men attended reveille roll-call promptly; and I heard him make frequent complaints of their remissness. Considerable difficulty was also experienced in getting the men to keep their clothes, arms, and accoutrements in good order, and their camps well policed.

Question by Colonel Paine. Did it or not require the personal attention and interference of Colonel Paine to enforce the attention of the soldiers to many of their duties, while in camp at Buena Vista?

Answer. It did.

Question by Colonel Paine. State when you were elected to a commissioned office in the North Carolina volunteers, and what has been Colonel Paine's course towards the officers of the regiment, on drill, since your election?

Answer. I think I was elected on the 28th July last, a second lieutenant of company "C." I had before held the office of sergeant-major. Colonel Paine has sometimes been under the necessity of speaking rather harshly to some officers on drill. I don't think that he ever intended to insult or wound the feelings of any one. Sometimes when companies have gotten into confusion, and officers have not discharged their duties promptly, he has spoken in a quick, and you may say, harsh manner.

Question by Colonel Paine. Did you ever know Colonel Paine to curse a commissioned officer?

Answer. I never have.

Question by Colonel Paine. Was it an unusual thing for company officers of the North Carolina regiment to become irritated at their companies on drill, and to swear on such occasions?

Answer. I have known them to do it frequently.

Question by Colonel Paine. Did you witness the occurrence at the Brassos, when some man was knocked down by Colonel Paine, and will you state what occurred?

Answer. I was standing near Colonel Paine at the time. He ordered something to be taken out of a wagon and conveyed to the ferry boat, or to the landing, when one of the men, a hired man of the quartermaster's department, who was conveying a demijohn of wine, turned it up and commenced drinking. Colonel Paine reprimanded him pretty severely for it, and he peremptorily denied that he had drank any. The colonel told him that he saw him, and that if he denied it again he would knock him down. The man was disposed to be insolent in the manner of his denial. The colonel dismissed this man, when a crowd of teamsters, I

suppose some twenty, assembled around the colonel, and one who seemed to put himself forward as the leader said, in a very insulting tone to Colonel Paine, that if he thought he could treat teamsters or quartermasters' men in that way he was mistaken. I think the colonel asked him if he took it up, or something to that effect. The man said nothing, but seemed to indicate by his silence and actions that he was disposed to act the champion; and Colonel Paine picked up a stick which, I think, is called a "*stretcher*," and knocked the man down. He neither struck, nor offered to strike, the man again. He ordered the crowd to disperse, and they did so.

Question by Colonel Paine. Did you witness an occurrence with Private Thompson, of "F" company, North Carolina volunteers, at General Taylor's camp in June last; and if so, state what occurred?

Answer. I did witness it. I was standing at the door of Dr. Cobb's tent, when Private Thompson was brought up by a sergeant to Colonel Paine. The colonel ordered him to take off his hat, more than once; he still persisted in keeping it on, and Colonel Paine either struck him, or struck at him, and threw a tin wash basin at him. The colonel then asked him, I think, if he resisted, and his reply was that he did not; and the colonel offered him no more violence.

Question by Colonel Paine. Will you state what was the manner of Private Thompson when he first came before me?

Answer. He assumed a dogged, insolent manner.

Question by Colonel Paine. Do you know, and if so, state what had been the character of Private Thompson previous to the matter of which you spoke?

Answer. I had not known Private Thompson previous to our march to this place from Camargo, nor was I acquainted with his character previous to the occurrence referred to.

Question by Colonel Paine. State if you have seen in the public newspapers, published in and sent from the State of North Carolina, any articles relating to Colonel Paine, and what was the character of those articles; and whether or not these papers were sent to officers and soldiers of the North Carolina regiment?

Answer. I have seen publications in the "Tarborough Press," the "Wilmington Journal" and "Raleigh Standard," condemning Colonel Paine for the course he had pursued as commander of the regiment; and I have also seen articles in the "Raleigh Register," the "Fayetteville Observer" and the "Old North State," commendatory of Colonel Paine, and sustaining his course. Many copies of all these papers have been received by officers and men of the regiment.

Question by Colonel Paine. Were the articles of which you spoke, as condemnatory of Colonel Paine's course, a calm and dispassionate review of his course as commander of the regiment, or were they violent in their character; and what was the political complexion of the papers you have mentioned?

Answer. The articles were violent and partisan in their character. The first three mentioned papers are democratic.

Question by Lieutenant Pender. Have you not heard me express my opinions as to the character of Colonel Paine, as commander of the regiment; and, if so, please state what they were?

Answer. I have heard Lieutenant Pender speak of Colonel Paine's character, as commander, in terms of commendation; that he thought him calculated to make an able and efficient officer; but that he adopted a too rigid system of discipline for volunteers.

Question by Lieutenant Pender. What is my character as an officer in the regiment?

Answer. He has always sustained a very fair character; has had the reputation of being a good drill officer. I believe he has been as attentive as others to his duties.

Question by Lieutenant Pender. Were or were not my men considered as well drilled and disciplined as any other company in the regiment, when my command ceased by orders No. 404?

Answer. His company was, as far as I had an opportunity of judging, as well drilled as any company in the regiment?

Question by the court. What was the general feeling produced among the officers on that and the next day, by the occurrences of the 14th; was it laughter or indignation?

Answer. I can't answer the question; I have no positive recollection about it either way.

Question by the court. On the occasions, upon drill, when Colonel Paine's harshness and severity have been spoken of, do you consider he was, or was not, properly supported by his offieers, in the discharge of their duty?

Answer. Frequently, in executing the manœuvres, officers would make mistakes, and it was on such occasions that Colonel Paine was harsh in his manner. I believe, however, that, on such occasions, the officers performed their duty to the best of their knowledge and ability. From the length of time, however, they had been in service, they might have been better acquainted with the drill.

The court adjourned to meet to-morrow, at 9½ o'clock, a. m.

TWENTY-FOURTH DAY.

Saltillo, Mexico,
Tuesday, February 22, 1848.

The court met pursuant to adjournment, and adjourned again to the 23d, at 10 o'clock, a. m.

TWENTY-FIFTH DAY.

SALTILLO, MEXICO,
Wednesday, February 23, 1848.

The court met pursuant to adjournment; present, all the members and the judge advocate, recorder.

Examination of Second Lieutenant White, continued.

Question by Colonel Paine. Will you state if Colonel Paine ever directed you, or if you ever went, to order or call out Lieutenant Singletery to morning drill, while you acted as adjutant of the North Carolina volunteers at Buena Vista?

Answer. I have no positive recollection in regard to that matter. I do not recollect that I ever went to call out any officer to drill. I was sent, by Colonel Paine, one morning to Lieutenant Singletery, to ask him why he was not out at officers' drill, and he stated he was too unwell, and should have written a note to Colonel Paine to that effect, but that it was too dark to do it. What time this was in the morning, I don't recollect; I don't know whether it was before or after breakfast.

Question by Colonel Paine. Was Lieutenant Singletery on duty with his company, after breakfast, on the day when you had the conversation with him, alluded to in your answer to the last question?

Answer. I think he was.

Captain Singleton, North Carolina volunteers, was here recalled at the request of Colonel Paine.

Question by Colonel Paine. Had you any conversation with Lieutenant Singletery on the night of the 15th August last, or at any other time, relative to requesting Colonel Paine to leave the command of the regiment; and, if so, state what that conversation was?

Answer. I had a conversation with Lieutenant Singletery on that subject, but I do not think it was on the night of the 15th. I think it was a day or two previous.

The conversation arose from speaking of the general dissatisfaction of the officers. I remarked to Lieut. Singletery, that if the officers were so much dissatisfied as not to be willing to serve under Colonel Paine, that I thought it was their duty to let him know the fact; that I did not believe that it was Col. Paine's wish to have command of men who were not disposed to serve under him; he then, I think, asked me if I thought it would do to inform Colonel Paine of this feeling in writing? I answered him yes. I don't know that there was any further conversation between us on the subject.

Question by Col. Paine. Were you ever present at any conversation, when any officer of the North Carolina regiment said the regiment would be justified in not mustering under Col. Paine, or words to that effect?

Answer. No.

Question by Col. Paine. Will you state if you know the origin

and use of the wooden horse, in the camp of the North Carolina volunteers, at Buena Vista?

Answer. I think I do: on the morning of the 12th or 13th of August, Lieut. Col. Fagg had been to reveille roll call, on the right wing; a number of the men failed to turn out—some six or eight—and were ordered to Col. Fagg's tent to be reprimanded; while the men were at Col. Fagg's tent, Col. Paine walked up to them; Col. Fagg said to Col. Paine, that he believed that he would have a wooden horse made for these men, alluding, I thought, to the men then present; Col. Paine replied, I think, very well, or to that effect. In a short time after, on the same day, I saw the artisan at work upon what he called a wooden horse; after its completion, it was placed in rear of the adjutant's office tent; it seemed to produce amusement to some of the men, whom I saw that day passing the horse, and some of them mounted it in sport; no one was ever ordered to be placed upon it; it was torn down the evening of the day it was placed there.

Question by Col. Paine. How long were you adjutant of the North Carolina regiment?

Answer. I was appointed adjutant on the 8th of August, and acted until the 23d of October.

Question by Col. Paine. Was there or not, while you were adjutant of the North Carolina regiment, at Buena Vista, difficulty in enforcing proper attention to duties from officers and soldiers of the North Carolina regiment, and did it or not require the personal attention and interference of Col. Paine to obtain prompt attention to such duties?

Answer. There was, and his personal attention and interference were required.

Question by Col. Paine. Have you ever known Col. Paine to treat the officers, non-commissioned officers, or privates of A company different, in any respect, from the officers, non-commissioned officers, or privates of the other companies of the regiment?

Answer. I have not, except in one instance at Arispe Mills; in September, I think, he allowed A company to come to town in a body, on account of their fine appearance at inspection.

Question by Col. Paine. Were any instructions given by Colonel Paine, in regard to putting soldiers of the North Carolina volunteer regiment on duty, while they were in feeble health, when in camp at Buena Vista?

Answer. Yes; instructions to me, both as adjutant and while acting as assistant surgeon, were, not to allow men to do guard duty, after being sick, until they had fully regained their strength.

Question by Col. Paine. Have you ever known Col. Paine to require of either officers, non-commissioned officers, or privates of the North Carolina regiment the performance of any other than the ordinary duties pertaining to their several stations?

Answer. I have not.

Question by Col. Paine. Do you know if Col. Paine has ever permitted, tacitly or otherwise, neglect of duty, or insubordination, in

any one under his command, since he took command of the North Carolina regiment?

Answer. He never has.

Question by Col. Paine. State the position of Lieut. Singletery's and Captain Roberts's tents in the North Carolina camp at Buena Vista, and say if you think it probable whether Lieut. Singletery would have had better opportunity, at any time, of speaking to Col. Paine by going to Captain Roberts's tent than by remaining at his own?

Answer. Lieut. Singletery's tent was on the right side of the street of the left company in the camp; Captain Roberts's tent was on the same side of the next street on the right—I think Lieut. Singletery would have been as likely to see Col. Paine at one tent as the other.

Question by Col. Paine. Was there or not an unusual number of non-commissioned officers and privates of Lieut. Singletery's company (A) reported sick on the morning report of the 16th August last?

Answer. Yes; there were five non-commissioned officers reported sick on that morning—there was an unusual number of privates.

Question by Col. Paine. State if you remember, while you were adjutant of the North Carolina regiment, at Buena Vista, what were Lieut. Singletery's habits of early rising, and if there was anything unusual in his manner of bringing his company on parade?

Answer. Lieut. Singletery was in arrest when I was appointed adjutant, and remained so till within a few days before the occurrences of the night of the 15th—consequently, I am not able to speak of his habits during that time. He was in the habit of bringing his company on parade very slowly, and, being the right company, I was often obliged to wait parade for him.

Question. Will you state how often you have known or heard of Colonel Paine absenting himself from his command at night, since he has been with the North Carolina regiment in Mexico?

Answer. I have never known or heard of his absenting himself.

Question by Colonel Paine. Will you state how frequently Colonel Paine was absent from his camp, while stationed at Buena Vista?

Answer. Never to my knowledge, except on duty.

Question by Colonel Paine. Have you ever known Colonel Paine to neglect his duty, or have you ever heard him charged with any neglect of duty?

Answer. No.

Question by Colonel Paine. Do you consider Colonel Paine's conduct, at any time, towards the regiment on drill, or at other times, while at Buena Vista, disrespectful to the officers under his command?

Answer. No.

Question by Colonel Paine. Say if you have, at any time, considered Colonel Paine's course or conduct in the regiment tyrannical or partial?

Answer. No.

Question by Colonel Paine. Was there or not a decided improvement in the personal appearance, instruction and discipline of A company, North Carolina volunteers, very soon after its present captain took command of it?

Answer. There was.

Question by Colonel Paine. Has it been an unusual occurrence for commanding officers of companies on drill to become irritated at the faults of their companies, and to swear on such occasions?

Answer. No.

Question by Colonel Paine. Will you state if any unusual excitement has prevailed amongst the officers of the North Carolina regiment since the first of January last?

Answer. None that I am aware of; at least, in town, where I am stationed.

Question by Lieutenant Singletery. Was not Colonel Paine's interference with the petty duties of the companies, a subject of frequent complaint among the company officers of the regiment?

Answer. I don't know that it was.

Question by Lieutenant Pender. Do you know, and if so, state to what company, or companies, the absentees spoken of at Colonel Fagg's tent belonged?

Answer. I don't know.

Question by Lieutenant Pender. Was it, or not, after I left the company, when Colonel Paine, as a mark of distinction to that company, permitted it to visit Saltillo in a body; and who was in command at that time?

Answer. It was after Lieutenant Pender had left it; Captain Buck was then in command of it.

First Lieutenant Singletery here desired to take the witness' stand, and make a statement in reference to the questions immediately preceding.

"I merely wish to state, that the cause of going to Captain Roberts's tent, instead of my own, on the occasion referred to, is this: I went, first, to my own tent, which I found closed, and fastened, and Captain Price abed inside, and there was no light in the tent. I did not wish to disturb him, and seeing a light in Captain Roberts's tent, went there and waited for Colonel Paine to come by; and when I asked Colonel Paine if I could speak to him there, he said yes.

"On one or two occasions I was rather late in bringing my company into line, on parade; for this reason—the company was ready, and waiting for the second "*call*," which the adjutant neglected to have sounded. That I was otherwise negligent in this matter, is not true; but, on the contrary, I always took some pains to hurry the men, preparing for duty."

Captain O. A. Buck, North Carolina regiment of volunteers, a witness called by the court, at the request of Colonel Paine, was duly sworn.

Question by Colonel Paine. How long were you adjutant of the North Carolina regiment?

Answer. From the 28th January, 1847, to the 2d August, 1874.

Question by Colonel Paine. Have you considered Colonel Paine's course, or conduct, at any time, disrespectful to the officers of the North Carolina regiment?

Answer. I have not.

Question by Colonel Paine. Will you state what was the course, or conduct, of Colonel Paine towards the regiment on drill, while at Buena Vista, and if you thought him disrespectful to the officers of the North Carolina volunteers, on such occasion?

Answer. Colonel Paine, in drilling the regiment at Buena Vista, took great pains to explain the movements to the officers and men, that they might perform them understandingly; and I recollect, now, no instance of disrespectful and overbearing conduct to the officers on drill.

Being further interrogated, witness states: There were none of us (officers) too well informed of our duties, and Colonel Paine, from his actions, appeared to feel the responsibility of bringing the regiment of raw recruits directly into the service, and all his efforts appeared to me to tend towards disciplining his regiment.

Question by Colonel Paine. It has been stated to the court by a witness, that the first evidence of disaffection he observed amongst the officers of the North Carolina regiment to Colonel Paine, was, after the return of Colonel Paine, with his command, from Monterey to Camargo, in May last, and that this disaffection arose principally from its being reported that Colonel Paine had ordered away from a spring Captain Williamson, of the North Carolina volunteers. Were you present at the occurrence alluded to; and will you state what officers were there present, what occurred, and where it took place?

Answer. I was present on the occasion, and was the adjutant of the regiment. We encamped at Papa Gallos on the 11th of May. The water there is known to be very bad, and, in looking about for better water, I discovered where it oozed out of the bank of the stream in small quantities. I went to a wagon, took out a spade, and with my own hands, dug a small hole, which commenced filling with water. The men of the command crowded around it, and would not give it time to clear. I made a remark to Colonel Paine, which called his attention to it. He ordered several persons away, and, at last, stationed a sentinel over the spring, to keep persons away from it, with directions to allow no person to go down the bank directly to the spring. Captain Williamson came to the bank, and was going down it, where the colonel had directed that no one should go. The colonel said to him, in the tone of a request—"Captain Williamson, don't go down there; I have a sentinel placed over the spring." This was the substance of what he said. Major Crossman, quartermaster, and some other officers, were sitting under a tree near by. The object of posting a sentinel, as I understood it, was, to give time for the spring to become clear. I will add, also, that the colonel directed the men to dig similar holes along the bank, at many places in which water could be found.

Question by Colonel Paine. Was there any difficulty in getting the command ready to start in the morning, during the march of Colonel Paine, with his command, to Monterey, and on the return to Camargo, in April and May last?

Answer. There was. Almost every morning the colonel was obliged to go about the camp, and exert himself to get the companies ready to move at the hour appointed. This hour varied; sometimes it was before daylight, sometimes later, being regulated by circumstances, the weather, distance to water, &c. The morning we left "Papa Gallos," going down to Camargo, the colonel exerted himself to make an early start, in order to get past the camp of a train near by before they started in the morning. The companies were dilatory in getting ready to start. Being further interrogated by Lieutenant Singletery, witness stated: The reveille may have been sounded two hours before day. The last of the train left the encampment near sunrise—between daylight and sunrise.

Question by Colonel Paine. Will you state whether, from your personal observation and knowledge, you think Colonel Paine has, or has not, had from the officers of the North Carolina regiment that support in instructing and disciplining the regiment that a commanding officer had a right to expect?

Answer. I do not think that, in many instances, the colonel had that support which the colonel of a regiment should have from his company officers. As an evidence, I have known the colonel frequently to perform even the duty of orderly sergeant, in getting the men out to duty, &c.

Question by Colonel Paine. Did you consider the personal interference and attention of Colonel Paine necessary to insure prompt attention to duty on the part of officers and men while the North Carolina regiment was encamped at Buena Vista?

Answer. Yes, absolutely necessary.

Question by Colonel Paine. Have you ever known Colonel Paine permit neglect of duty or insubordination to pass unnoticed in any one under his command since he has taken command of the North Carolina regiment?

Answer. No, I have not.

Question by Colonel Paine. Will you state if you have known Colonel Paine absent from his command at night since he came to Mexico?

Answer. I have never known him to be so absent.

Question by Colonel Paine. How often did you know Colonel Paine absent from his camp at any time while at Buena Vista?

Answer. I recollect no instance of his absence, unless on one occasion when I believe he accompanied one of the generals, or some of the general staff, to the battle-field—perhaps two miles in advance of the camp.

Question by Colonel Paine. Have you ever known or heard of Colonel Paine neglecting his duty since he took command of the North Carolina regiment?

Answer. I never have.

Question by Colonel Paine. Will you state if Colonel Paine

was, or was not, frequently on duty as field officer of the day while at Buena Vista, and will you state if, while on such duty, he did or did not perform the duties pertaining to the commanding officer of the regiment?

Answer. He was very frequently field officer of the day—for a long time every other day, and I recollect one instance of his being field officer of the day two consecutive days. While on duty as officer of the day he performed his duties as commander of the regiment as far as was in his power. The other field officers of the regiment were both sick at the time.

Question by Colonel Paine. Can you state what were the habits of Colonel Paine, as to early rising, while in camp at Buena Vista?

Answer. I believe the colonel was always up at reveille, if not before, while at Buena Vista, except when he was sick.

Question by Colonel Paine. Have you had any conversation with Lieutenant Pender relative to an agreement said to have been made about "calling on Colonel Paine to resign;" and if so, state what the conversation was?

Answer. I have had conversations with Lieutenant Pender, and in showing that he was not the originator of the proceeding, he said to me one day that, before Captain Price left the regiment on the recruiting service, the matter had been agitated among the officers, and that they had come to this conclusion to request Colonel Paine to resign. The first conversation had on this subject with Lieutenant Pender occurred at Saltillo shortly after he was discharged; some one or two conversations have since taken place. The plan was, as I understood it from Lieutenant Pender, something of this sort: Captain Price was to resign, and if his resignation was not approved, the officers were then to request Colonel Paine to resign; and I once understood Lieutenant Pender to say, that if Colonel Paine did not resign, some of the officers were to refuse to do duty under him.

Question by Colonel Paine. Have you heard Lieutenant Singletery's manner at times towards Colonel Paine spoken of by officers of the North Carolina regiment; if so, state what was said about it?

Answer. I have heard his manner spoken of; it was a matter of conversation in the camp. The next morning after Lieutenant Singletery was arrested at the guard tent, by Colonel Paine, I was with several officers, and Mr. Singletery's manner was the subject of remarks, and some one present said, that they never had seen a person who could, by his actions, exhibit more impertinence or contempt (I am not certain which expression was used) towards another, and then spoke of Mr. Singletery's manner on the evening previous, and on another occasion which had occurred some time previously, on the parade or the parade ground.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

TWENTY-SIXTH DAY.

SALTILLO, MEXICO,
Thursday, February 24, 1848.

The court met pursuant to adjournment.
Present: all the members, and the judge advocate, recorder.

Examination of Captain Buck, continued:

Question by Colonel Paine. State if you think Colonel Paine's course or conduct in the North Carolina regiment, has been overbearing or tyrannical to the soldiers of the regiment?

Answer. I do not think it has.

Question by Colonel Paine: Do you know if any instructions were given by Colonel Paine to the company officers of the North Carolina regiment, about putting men of feeble health on duty?

Answer. While I was adjutant, I recollect the colonel's giving directions that men who had been sick should not be put on hard or regular duty until the surgeon thought them able perform it. Men were frequently returned to the companies before they were able to do guard duty; there being at one time over two hundred on the sick report.

Question by Colonel Paine. State, if ever on the march, or in camp, or at any time, you think Colonel Paine has been negligent or careless of the safety or welfare of the troops under his command?

Answer. I do not think he ever has been.

Question by Colonel Paine. Have your associations with Colonel Paine, in the North Carolina regiment, been such as to answer knowingly, and will you accordingly state, if you have ever known, thought, or supposed, either from Colonel Paine's conduct or conversation, or from anything else that has transpired in connexion with Colonel Paine, that he (Colonel Paine) ever attempted or desired, secretly or otherwise, to lessen the influence or authority of the officers or non-commissioned officers of the North Carolina regiment over their men?

Answer. I have been on duty most of my time with Colonel Paine and intimately acquainted with him, and I believe it has been Colonel Paine's desire to increase the influence of the officers and non-commissioned officers over the men, and particularly to support the non-commissioned officers in the exercise of their authority.

Question by Colonel Paine. Were you present in the camp of the North Carolina volunteers on the night of the 15th of August last, at thetime the pistol was fired in camp, and if so, state what occurred?

Answer. I was in the camp of the North Carolina volunteers on that night; for some few minutes I had been walking through the tents on the right wing of the encampment. While in the rear of the officers' tents of A company, I heard a noise, which I supposed to be Colonel Paine ordering some one to halt; he cried *halt* two or three times, and then, with an increase of voice, cried out, *halt, or I will "fire"* at you. Immediately I heard the report of fire-

arms; I went in the direction of the noise to the front of D company street, and found a man lying on the ground; I was among the first who reached there; I assisted the man to rise, and ascertained that he was Bradley, of A company. I called for some one to assist me in supporting him to his tent. I asked Bradley why he was out there and why he ran. His reply was, I ran because I was afraid the guard would shoot me. I saw his wound; the ball entered his back and passed out the front of his body.

Question by Colonel Paine. Did you, at the request of Colonel Paine, take a copy of the notes of resignation of the officers of the North Carolina regiment of volunteers, sent in on the 17th of August last, and will you state to the court what the contents of the resignations were, and what officers sent in their resignations?

Answer. I did take copies, at the request of Colonel Paine. The following is the form of the letters of resignation:

BRIGADE OF INFANTRY,
Buena Vista, August 16, 1847.

Sir: I hereby tender for your acceptance the commission that I have the honor to hold as (here the rank of the writer was inserted) in the (here the letter of the company was inserted) in the North Carolina regiment of volunteers, for the reason that I am unwilling to sanction by my silence, on this occasion, the imputation cast upon me, in common with the rest of the company officers of the regiment, in connexion with the unfortunate occurrence of the night of the 15th of August, 1847.

I am, sir, your obedient servant.

Colonel R. T. PAINE.

The letters were all alike in their phraseology, and were signed, respectively, by Lieutenants Nash, Area, Thompson, Haugh, Nichols, McKerrall, Staton, Mitchell, Yarborough, Goodson, Hyatt, and Keith. At the time of this occurrence I was the aid-de-camp to Brigadier General Cushing. These letters of resignation came to General Cushing's head-quarters on the 17th of August, and I understood they had been sent in to Colonel Paine that morning.

Question by Colonel Paine. When Colonel Paine, on the night of the 15th of August last, called out halt, or I will fire, as you have stated, was any response made from the crowd, and what was the time of night when the pistol was fired?

Answer. I heard voices which appeared to be answering him, but I could not hear what they said; also, when the shot was fired, I heard a loud cry. I think it was half an hour after taps.

Question by Colonel Paine. Did you hear any conversation between Lieutenant Singletery and another officer of the North Carolina regiment, on the evening of the 16th of August last, in the camp of the North Carolina regiment, after General Wool's order No. 404 had been published, and will you state what you heard?

Answer. I did hear a conversation; Lieutenant Singletery and Lieutenant McKerrall were talking together as I passed them in

going through the left wing of the North Carolina camp that evening after parade. Lieutenant Singletery said: I do not care about it, if you will stand up to us, or words to that effect. Lieutenant McKerrall replied: We will do so, or words to that effect. I understood Lieutenant Singletery to refer to his discharge; he was at that time apparently taking leave of Lieutenant McKerrall.

Question by Colonel Paine. Has any excitement prevailed among the officers of the North Carolina regiment since the return of Lieutenants Pender and Singletery?

Answer. There has been an excitement among the officers relative to the vacancies that were supposed might occur in the field appointments of the regiment. I know of no other.

Question by Colonel Paine. State if, from the conduct or conversation of Colonel Paine, you have ever had reason to suppose, or think him actuated by any other motive in his command, than one pertaining to the good of his regiment?

Answer. I never have had any reason to suppose that Colonel Paine ever has been, since in command of the regiment, actuated by any motive other than the one pertaining to the good of his regiment?

Question by Colonel Paine. Will you state, if you know, what has been the tone of the Democratic papers of North Carolina towards Colonel Paine, as commanding officer of the North Carolina regiment, from the time of his taking command of the regiment?

Answer. The Democratic papers of North Carolina have generally been denunciatory of the course of Colonel Paine. I have seen some articles which were calculated to do injury to the discipline of the regiment. I believe these articles were first provoked by the action of the legislature, in giving the appointment of the field officers to the regiment to the governor. The dissatisfaction, as I believe, was at first wholly political. I have seen publications in the Democratic papers of North Carolina, purporting to have been written by correspondents belonging to the regiment, of a highly abusive character towards Colonel Paine, and I believe these articles did an injury to the regiment by keeping up an excitement on matters which were discussed therein. Frequently, two or three month's afterwards, accounts would return to the regiment of occurrences in the regiment which had long been passed over or forgotten.

Question by Colonel Paine. Have you known any privates of the North Carolina regiment receive from correspondents in North Carolina letters suggesting that Colonel Paine ought to be shot?

Answer. I have heard that such letters have been received; on reflection, I recollect reading a letter suggesting that Colonel Paine ought to be shot, and calling him, as well as I recollect, "*an old Whig rascal.*" The letter was in the possession of Private William Bryant, of company A, North Carolina volunteers. I did not look to see to whom the letter was addressed.

Question by Lieutenant Singletery. Have you not frequently heard the officers of the North Carolina regiment express their de-

termination not to allow politics to have any influence on their conduct while in the regiment?

Answer. I have heard individual officers of the regiment express that determination.

Question by Lieutenant Singletery. Do you think that Lieutenant Singletery has ever been negligent in the instruction and discipline of his company?

Answer. I do not think that he has generally been negligent on these points.

Question by Lieutenant Singletery. How many empty wagons and loose horses were there in the command which started with Colonel Paine on the march from the Brassos to Camargo?

Answer. (Referring to his memorandum.) The train consisted of one hundred wagons, how many of which were empty, I do not know, but I think very few. There were also two hundred and thirty horses sent up for the use of the army. This was a new train, and many of the teams consisted of wild mules.

Question by Lieutenant Singletery. Were not the wheels of many of the wagons locked, to keep the teams from running away.

Answer. There were, because the drivers could not manage the mules.

Question by Lieutenant Singletery. Did not the company officers cause the knapsacks of the men to be put in the empty wagons, and did not Colonel Paine have them taken out?

Answer. When we first started from the Brassos, we were only to go that night to the mouth of the river, about eight or nine miles distant. The colonel gave orders for the troops to be prepared for the march, and, while they were preparing, part of the companies had their knapsacks put in the wagons, and the colonel ordered them to be taken out. After we got fairly on the march, the men were permitted to put their knapsacks in the wagons, at least those men who were fatigued, and often the men were permitted to ride in the wagons and on horseback.

Question by Lieutenant Singletery. Were not the men at that time enfeebled from sea-sickness?

Answer. I cannot tell. The companies which I was with landed at the Brassos on the 24th of March, and marched on the 26th for the mouth of the Rio Grande; many of the men I sailed with (part of two companies) had been sea sick on the voyage.

Question by Lieutenant Singletery. What do you mean by the men being permitted to put their knapsacks in the wagons?

Answer. I mean that when it was discovered that a man was wearied by the march, or sick, he was permitted to put his knapsack in the wagon and frequently to ride himself.

Question by Lieutenant Singletery. Did not the command suffer very much on that march, and did you not know that the men were frequently found some distance behind on the road, fatigued and broken down?

Answer. It was a hard march, and I believe that all in the command suffered. I had frequent occasion to report to the colonel that men of the rear guard had fallen behind.

Question by Lieutenant Pender. After Captain Wilson's promotion, immediately followed by Lieutenant Moye's indisposition, did I have any assistance of company officers in my company?

Answer. I was very sick immediately after Captain Wilson left the company, and knew nothing of the affairs of the company until I arrived at Buena Vista a month afterwards. Mr. Pender was then in command of the company. He was soon after on duty as a member of a court martial, which was in session some two or three weeks. He was also sick a part of the time while I was adjutant at Buena Vista, and an officer was daily detailed to command the company while Lieutenant Pender was on court martial or sick. There was no other officer on duty with the company during the time referred to.

Question by Lieutenant Pender. What is your opinion of me as a drill officer and disciplinarian?

Answer. I have a good opinion; I have had but little chance of observing Lieutenant Pender in command.

Question by Lieutenant Pender. Did you not arrive at Buena Vista some time after the regiment, being detained at Camargo by some indisposition? and were you not continued on the sick report after your arrival, and did you not shortly afterwards receive an appointment in General Cushing's staff, and at what time did you afterwards resume your duties in the North Carolina regiment?

Answer. I arrived at Buena Vista on the 2d of July, 1847, having been detained at Camargo by sickness from the 2d of July till the 11th; I was upon the sick report. I received an appointment in General Cushing's staff on the 2d of August. I was elected captain of A company on the 20th of August, and immediately assumed command of it.

Question by Lieutenant Pender. Did you not find my company disposed to be orderly and obedient, and was it not as well drilled as any in the regiment when you superseded me in the command?

Answer. I did find the company disposed to be orderly and obedient, and I think it was as well drilled as any company in the regiment.

Question by Lieutenant Pender. Have you never observed in Colonel Paine's conduct or command of regiment any instances of partiality?

Answer. I never have known him to exhibit partiality as I understand it.

Question by Lieutenant Pender. Have you not reason to believe that I was the choice of the company for captain after Captain Wilson's promotion, and is it not your opinion that I would have been elected had an election been ordered?

Answer. I have no reason to believe any thing about it; I did not canvass the company. Mr. Pender and myself were the only candidates I ever heard spoken of for the captaincy of the company.

Question by Lieutenant Pender. Do you believe that politics has ever influenced my conduct in the regiment?

Answer. I do not believe they ever have.

Question by Lieutenant Pender. Did you or not say to me that you would not run against me for captain?

Answer. I said I would not run against him or any one.

Question by Lieutenant Pender. Did or did not Colonel Paine say to you that he once disliked A company, but since your having command it was a favorite company, and if so, what time was this said?

Answer. I don't recollect that Colonel Paine ever said so to me. I think Colonel Paine has said to me since I had command that it was a favorite company; I don't recollect at what time. I think Colonel Paine has commanded the company.

Question by Lieutenant Pender. Have you any reason to believe that my conduct has in any manner been such as to cause any excitement or disturbance in the regiment since my return?

Answer. I have no reason to believe that his conduct has. He has attended to his duties as far as I know quietly.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

TWENTY-SEVENTH DAY.

Saltillo, Mexico,
Friday, February 25, 1848.

The court met pursuant to adjournment: present, all the members. The judge advocate being indisposed, Major Cass, a member, at the suggestion of the court, and with the acquiescence of the parties before the court, recorded the testimony.

Examination of Captain Buck continued.

Question by Colonel Paine. Was any company with the command of Colonel Paine ever permitted to be without an officer?

Answer. None, to my knowledge.

Question by Colonel Paine. Were, or were not, orders given to officers, along the line of wagons, to put their men in wagons when they became sick or too tired to walk on the march from Brassos to Camargo?

Answer. Orders were given to that effect, after the first day's march.

Question by Colonel Paine. Will you state whether at the close of the day's march, during the expedition from Brassos to Camargo, the whole of the men who set out on the march, or how many, would come into camp on foot?

Answer. Generally in the morning the command started on foot, and the majority came into camp riding.

Question by Colonel Paine. Were there soldiers, and about how many, detailed from the command daily, to ride loose horses, during the march from the Brassos to Camargo?

Answer. Generally as many as fifty, sometimes more.

Question by Colonel Paine. Will you state what companies were

in the command that marched with Colonel Paine from the Brassos to Camargo?

Answer. Companies F, G, H, and I.

Question by Colonel Paine. Will you state if any of the soldiers of either companies F, G, H, or I, died shortly after our arrival at Camargo; when they arrived there, and when the first death occurred in either of those companies?

Answer. We arrived at Camargo the 6th of April, and Colonel Paine left for Monterey on the 20th of April. I am sure no deaths occurred in those companies before we left. While Colonel Paine was absent at Monterey, two men, I am informed, of company I, died with the measels.

Question by Colonel Paine. Do you, or not, remember that on the march from the Brassos to Camargo, Colonel Paine had frequent difficulties with the teamsters, because of their refusing to receive sick or tired soldiers, on the march, into the wagons?

Answer. I remember he had frequent difficulties on this account.

Question by Colonel Paine. Will you state at what time the resignation of Lieutenant Moye, of A company, took effect, and if another officer was not assigned to duty permanently with that company, before the resignation of Lieutenant Moye took effect?

Answer. Lieutenant Moye's resignation took effect the 31st of July. Lieutenant Hyatt was permanently assigned to A company, with a detachment of men on the 23d of July.

Question by Colonel Paine. Do you consider that any unnecessary hardship was imposed on the soldiers, on the march from the Brassos to Camargo, under the command of Colonel Paine?

Answer. I consider not.

Question by Lieutenant Singletery. Do you know that any papers, denouncing Colonel Paine, were received in the regiment at Buena Vista?

Answer. I believe papers denouncing Colonel Paine were received at Buena Vista, but I cannot answer positively.

Question by Lieutenant Singletery. Do you remember what number of sick men there were at Camargo, in the command which marched from the Brassos with Colonel Paine, when the latter left for Monterey?

Answer. I do not remember.

Question by Lieutenant Singletery. Did you ever hear Colonel Paine use language similar to this: "If Singletery cuts up such shines as that, I will have him sent home dishonorably?"

Answer. I do not recollect hearing any such language.

Question by Lieutenant Pender. Was not Lieutenant Moye's resignation accepted, some time previous to his quitting the regiment, to take effect at the time mentioned by you, and had he not left the regiment on furlough during the interim.

Answer. Lieutenant Moye's resignation was accepted about the 10th of July, and he immediately left the regiment.

Question by Lieutenant Pender. Was not Lieutenant Moye quite sick for some months previous to his resignation, and did he not die on his return home?

Answer. Lieutenant Moye was quite sick, from the 15th of May until the time of his resignation, and I have been informed he died at New Orleans.

Here the court, at the request of Colonel Paine, called Doctor Gaston D. Cobb, surgeon U. S. volunteer service, who being duly sworn, accordingly took the witness's stand.

Question by Colonel Paine. Will you state for what length of time you have been attached as surgeon to the North Carolina regiment?

Answer. Ever since the 20th of February, 1847.

Question by Colonel Paine. For what length of time, during your service with the North Carolina regiment, have you been separated from Colonel Paine?

Answer. About a month.

Question by Colonel Paine. Say if you have thought Col. Paine's course or conduct in the regiment disrespectful to the officers of the regiment.

Answer. I have considered his manner as harsh at times, but never what I thought disrespectful.

Question by Colonel Paine. Say if you have thought Colonel Paine's course or conduct in the regiment tyrannical or overbearing to the soldiers of the North Carolina regiment.

Answer. No; I have not.

Question by Colonel Paine. Will you state whether you have reason to suppose that Colonel Paine has been actuated by any other motive in his command than one pertaining to the good of his regiment?

Answer. I have no reason to suppose so.

Question by Colonel Paine. Say if on the march, or in camp, or at any other time, you think Colonel Paine has been negligent or careless of the welfare of the troops under his command.

Answer. No; I do not.

Question by Colonel Paine. State if you think Colonel Paine has, at any time, shown a neglect or carelessness in anything pertaining to the good of the troops under his command.

Answer. I think not.

Question by Colonel Paine. State if you believe any unnecessary hardship was imposed on the soldiers under Colonel Paine's command during the march from the Brassos to Camargo; and will you state what you remember of Colonel Paine's course on that march?

Answer. When we left the Brassos there were a good many wagons, as I understood, lightly loaded, and some probably that had no load at all; the men had very heavy knapsacks; I told the colonel I thought it would be best to permit the men to put their knapsacks in the wagons. He said no; they would have to learn to carry their knapsacks, and it was as well they should commence then; but if I should single out any men who were unable to carry their knapsacks, they should be relieved by putting them in the wagons. They all, I think, carried their knapsacks during the first day, from the Brassos to the mouth of the river, and started with

them on the next morning; but before we stopped for the night they had nearly all put their knapsacks in the wagons. Except this order to carry the knapsacks, I know of no duty imposed on them during the march which could be considered hard.

Question by Colonel Paine. Do you think that any soldiers of the command that marched with Colonel Paine from the Brassos to Camargo died from the effects of any hardships imposed by the order of Colonel Paine on the march?

Answer. I do not think so.

Question by Colonel Paine. Do you know if the other companies of the regiment did or not suffer as much, or more, from sickness than the soldiers of those companies who marched with Colonel Paine from the Brassos to Camargo?

Answer. They all suffered as much as those companies, and some of them more.

Question by Colonel Paine. Have you received instructions from Colonel Paine relative to putting on duty men of feeble health in the North Carolina regiment; and have you or not frequently been called on by Colonel Paine to examine soldiers of the regiment who had been detailed for duty, and report if they were fit for the duty upon which they had been detailed?

Answer. The colonel has told me repeatedly no men should go to duty until I said they were able; and I have been repeatedly called on to examine and give my opinion of men who had been detailed for duty.

Question by Colonel Paine. Have your associations with Colonel Paine in the North Carolina regiment been of such a character as to enable you to answer knowingly, and if so, will you state accordingly if you have ever known, thought, or supposed, from Colonel Paine's conduct or conversations, or from anything else, that he (Colonel Paine) has ever attempted or desired to lessen the influence or authority of either officers or non-commissioned officers of the North Carolina regiment over their men.

Answer. I have been intimately associated with Colonel Paine, and I have never known him endeavor to diminish the authority or influence of officers or non-commissioned officers over the men; on the contrary, he has attempted to increase it. I have heard him frequently reprove the non-commissioned officers for not causing the men to treat them with more respect.

Question by Colonel Paine. Were you present at any time when Lieutenant Singletery, being under arrest, was sent for by Colonel Paine; and will you state what occurred, and if Colonel Paine called out in a loud voice that Lieutenant Singletery was in arrest, or close arrest?

Answer. I was at or near Major Stokes's tent, and I recollect seeing Lieutenant Singletery near it, but whether he had been sent for by Colonel Paine I don't know; this was soon after Lieutenant Singletery was released from arrest. In my hearing he told Colonel Paine that he felt entirely innocent; and that for his own justification, he would very much like to stand a court martial, or words to that effect. The colonel told him if he wished a trial he

could certainly have one, and to go to his tent, and consider himself in arrest. When he was a short distance from the tent, the colonel called to him, and told him to consider himself in close arrest. The voice seemed to me not louder than was necessary for the distance.

Question by Colonel Paine. Have you heard any officer of the North Carolina regiment say anything about the destruction of the wooden horse, at the camp of the North Carolina volunteers, at Buena Vista, on the evening of the 14th of August last, and will you state what such officer said about it.

Answer. I think it was the day after the horse was torn down, that I was talking to some of the officers, among whom were Lieutenants Singletery and Wiley; one or the other of them remarked to me, (I don't remember which, but I think it was Lieutenant Singletery,) that it was well enough the horse was torn down by the Virginians, for if they had not done it, they would have done it themselves, or had it done.

Question by Lieutenant Singletery. Do you not recollect, on the occasion referred to, Colonel Paine used these words: "Mr. Buck, Mr. Singletery is in arrest, close arrest," and do you not think he could have been heard distinctly at the right of the camp?

Answer. I do not recollect Colonel Paine's having used these words.

Question by Lieutenant Singletery. Did you ever hear any political discussions in the North Carolina regiment, and if so, between what persons?

Answer. I have heard very few, and they have chiefly been between Colonel Paine and myself.

Question by Lieutenant Singletery. Have you not heard much complaint of Colonel Paine's conduct towards the officers?

Answer. Yes, I have heard of much complaint.

Question by Lieutenant Singletery. Have you, or not, heard Colonel Paine abuse the President of the United States?

Answer. I have heard the colonel disapprove of the course of the administration, in relation to the war; I have not heard him indulge in any personal abuse.

Question by Lieutenant Singletery. Upon what occasion did the officers mostly complain of Colonel Paine's treatment, and did you have an opportunity of judging of the justice of the complaints?

Answer. The occasions chiefly were upon drill; I had no opportunity of judging of the justice of these complaints.

Question by Lieutenant Pender. Have you any reason to believe that the sickness in my company was owing to any neglect on my part towards my company?

Answer. I have no reason to believe so.

Question by Lieutenant Pender. At what time was Lieutenant Moye taken sick at Camargo, and was he afterwards able to perform military duty?

Answer. Lieutenant Moye, I think, was taken sick about the 10th of May, and never was able to perform military duty afterwards.

Question by Lieutenant Pender. Was I not reported sick at the time of the occurrences of the 14th and 15th of August, 1847?

Answer. Yes.

Question by Lieutenant Pender. Was I not on the sick report at the day of my discharge, on the 16th of August, 1847?

Answer. Yes.

Question by Lieutenant Pender. Have you not reason to believe that several men of my company died from being put on guard when not able to perform that duty?

Answer. I have no reason to think so.

Question by Colonel Paine. Do you, or do you not, think that a great deal of sickness in the North Carolina regiment was owing to a want of proper attention to the diet of the soldiers?

Answer. I think so.

Question by Colonel Paine. Will you state if you know of your own professional knowledge, that Lieutenant Pender was sick on the 14th and 15th August last?

Answer. I know it professionally.

Question by Colonel Paine. Were you sent to examine and report if a soldier of the North Carolina regiment was fit for duty on the night of the 15th of August last, after the pistol was fired in camp, and will you state the result of the examination?

Answer. The colonel ordered me to examine Sergeant Hardie, of H company, and to report accordingly. I did so; on returning to make my report, I found the colonel absent. The next day, in reply to the colonel's question on the subject, I stated that I thought the man fit for duty.

Question by Lieutenant Singletery. Do you think the company officers were to be blamed for the bad diet of the men?

Answer. I think not; the articles furnished, I know, were often very bad, and from them it was impossible to obtain good diet.

Question by Lieutenant Singletery. Did I not go with you to Sergeant Hardie's tent, and did you tell me you thought him fit for duty.

Answer. I think I recollect Lieutenant Singletery's having gone with me, and that I said to him, Hardie might be a little unwell, but was as able to perform his duty as many others who were then on duty.

Question by Lieutenant Pender. Have you not known a portion of the rations drawn by my company to have been reported by me to the colonel as unfit to eat?

Answer. I have.

Here the court, at the request of Colonel Paine, called Major M. S. Stokes, of the North Carolina regiment, who being duly sworn, took the witness stand.

Question by Colonel Paine. Will you state if you think Colonel Paine's course or conduct in the North Carolina regiment has been disrespectful to the officers of the regiment?

Answer. I think not.

Question by Colonel Paine. Will you state, if you think Colonel

Paine's course or conduct to the North Carolina regiment, on drill, has been at any time disrespectful to the officers of the regiment?

Answer. Not to my knowledge.

Question by Colonel Paine. Do you consider that Colonel Paine's course or conduct in the regiment has been tyrannical or overbearing towards the soldiers of the regiment?

Answer. I do not know.

Question by Colonel Paine. Do you know, or have you any reason to think, that Colonel Paine has ever attempted, secretly or otherwise, to lessen the influence or authority of the officers or non-commissioned officers of the North Carolina regiment over their men?

Answer. I neither know, nor have reason to think so.

Question by Colonel Paine. Do you think, or have you any reason to suppose, that Colonel Paine, in his official course towards his regiment, has been actuated by any other motive than one pertaining to the good of the regiment?

Answer. I have no reason to suppose him actuated by any other motive than the promotion of the discipline and good order of the regiment.

Question by Colonel Paine. Were you present when Lieutenant Singletery, being in arrest, was sent for by Colonel Paine; and do you, or not, recollect if Colonel Paine cried out in a loud tone of voice, that Lieutenant Singletery "is in arrest, in close arrest?"

Answer. I was present on one occasion when Colonel Paine sent for Lieutenant Singletery, who was then in arrest, and told him he intended to restore him to duty. Lieutenant Singletery replied that he would prefer a court martial in vindication of his innocence. The colonel replied, very well, consider yourself under arrest, or words to that effect. I do not recollect his using any loud tone with that language on the occasion.

Question by Colonel Paine. Had you reason to complain of Lieutenant Pender, while under your command at Cerralvo, about any remissness of duty?

Answer. I had occasion to report Lieutenant Pender at Cerralvo, for inattention to his company.

Question by Colonel Paine. Was there or not a very decided improvement in the appearance, discipline, and instruction of A company, North Carolina volunteers, very soon after its present captain took command of it?

Answer. There was.

Question by Lieutenant Singletery. Do you remember in what manner I spoke to Colonel Paine, when I requested from him a trial by court martial at Buena Vista?

Answer. Lieutenant Singletery spoke to him in a respectful manner.

Question by Lieutenant Singletery. Did not Colonel Paine, after I left your tent, call me back, and after some conversation, cry in a loud voice, "Mr. Buck, Mr. Singletery is in arrest, in close arrest?"

Answer. I do not recollect this having taken place.

Question by Lieutenant Singletery. Do you think that Colonel Paine has exercised good judgment in the drill and discipline of the regiment?

Answer. I think he has.

Question by Lieutenant Pender. In your statement that you had to speak to me relative to my company, was this concerning the discipline, or was it the disorganized appearance of my company?

Answer. It was more particularly in reference to that branch of discipline which concerns their appearance upon drill; I will add, Lieutenant Pender had very few men at the time, perhaps not more than eight or ten fit for duty.

Question by Lieutenant Pender. Was not my command at Cerralvo composed principally of the most infirm, the able part of my command having been detached from its company to escort wagon trains?

Answer. Yes.

Question by Lieutenant Pender. Was not my health generally bad while at Cerralvo, laboring under jaundice?

Answer. I cannot say generally. He was sick there with the jaundice.

Question by Lieutenant Pender. Did I have any assistance of commissioned officers in my company, while at Cerralvo?

Answer. You had not.

Question by Lieutenant Singletery. Is there at present any captain, and how many lieutenants are there in my company?

Answer. There is no captain; there are four lieutenants.

The court adjourned to meet to morrow, at 10 o'clock, a. m.

TWENTY-EIGHTH DAY.

SALTILLO, MEXICO,
Saturday, February 26, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

Colonel J. F. Hamtramck, Virginia regiment, a witness called by the court, at the request of Colonel Paine, duly sworn.

Question by Colonel Paine. Did Colonel Paine report to you, as commanding officer of the Virginia regiment, any outrage committed by soldiers of your regiment on the evening of the 14th of August last, in the camp of the North Carolina volunteers at Buena Vista?

Answer. I am not certain as to the day, but I know that Colonel Paine often complained to me of misconduct of my men, and on the evening referred to, I think he brought two men to me as offenders. I think he remarked that they were prominent in the crowd the night before, and that they were the same men who had been there the night before, and if they were gotten rid of, there would be so much less disturbance.

Question by Colonel Paine. Did you consider the destruction of the wooden horse in the camp of the North Carolina volunteers an outrage, or not?

Answer. Certainly I do.

Question by Colonel Paine. Do you remember if the evening on which the two men were brought to you by Colonel Paine, was the evening of the night on which the mutiny took place in the camp of the North Carolina volunteers?

Answer. I am not certain, but I think it was the same. I was not present at the time, being in General Wool's tent, occupied in business with him, when I heard the explosion of a pistol or gun.

Question by Colonel Paine. Can you say whether Colonel Paine did or did not, in your presence, forbid or order the men of your regiment who were standing near at the time Colonel Paine carried the two men to your tent, not to come into the camp of the North Carolina volunteers again that night?

Answer. He did, and I reiterated the order.

Question by Colonel Paine. Was any man of the Virginia regiment shot on the night of the 15th of August last, the night of the mutiny spoken of, and in what part of his person was he shot?

Answer. Yes, and shot in the hand. I think his name was King, the same man who was discharged by General Wool. When I heard the explosion, I repaired to camp, and on my arrival there, ascertained one of my men had been shot by Colonel Paine, as well as one of his own regiment. I went to see King in his tent. He was lying on a pallet, holding his wounded hand in the other hand. I asked him how he came to be engaged in that mutiny, since I had given orders that none of my men should go into the North Carolina camp, at any time after retreat. He said he was merely a spectator, and when the crowd ran, he ran too; and that the ball struck his hand after passing through the other man. I said I wished he had been killed.

Question by Colonel Paine. What was the character of the man of the Virginia regiment, who was shot?

Answer. Bad.

Question by Colonel Paine. Will you state what was the manner in which Colonel Paine discharged his duties as an officer, while at Buena Vista?

Answer. Colonel Paine has discharged his duties most faithfully; a better officer I never knew.

Question by Colonel Paine. Have you any reason to believe that Colonel Paine, while at Buena Vista, ever interfered with any officer or soldier, except when in the proper discharge of his official duties?

Answer. None.

Question by Colonel Paine. What was the character of the soldiers of the North Carolina regiment, previous to the mutiny spoken of, for deportment and discipline?

Answer. Not very good. The material I regarded as good, but I did not consider he was well supported in enforcing discipline.

Question by Lieutenant Singletery. Did General Wool ever show

you a letter from General Scott, concerning vacancies in volunteer regiments, and ask your opinion as to the power it granted?

Answer. No.

Question by the court. Was it known to any of the officers, non-commissioned officers, or privates of the Virginia regiment, prior to the 14th of August last, that the officers of the North Carolina regiment had signed and sent to General Taylor, a paper preferring charges against Colonel Paine?

Answer. Not to my knowledge.

Question by the court. Have you any reason to suppose there was any collusion or understanding between any individual officers, non-commissioned officers, or privates of the Virginia and North Carolina regiments, in relation to the disturbances of the nights of the 14th or 15th of August?

Answer. I had not the least reason to believe there was any such understanding, but I have since reason to believe that there was an understanding between some of my men, and men of the North Carolina regiment; without, however, the knowledge of any of my officers. I believe now, that some of the officers and non-commissioned officers of the North Carolina regiment were concerned in it.

Question by the court. Have any facts come to your knowledge, since those occurrences, inducing such belief; if so, state what they are?

Answer. My belief is based upon these circumstances: The joint letter of some of Colonel Paine's officers, requesting him to resign; the difficulties which some of those officers have thrown in the discharge of his duty, in every way, induced me to believe they had determined to drive him out of the regiment.

Question by Lieutenant Singletery. What officers of the North Carolina regiment do you now believe have been engaged in the disturbances of the 15th of August last?

Answer. I cannot mention their names, having but little acquaintance with them.

Question by Lieutenant Singletery. What has induced you to believe that any officers of the North Carolina regiment had thrown difficulties in the way of the colonel, in the discharge of his duty?

Answer. A variety of reasons. Colonel Paine, I do not think, has been properly supported by many of his officers; and, if it had been my misfortune to have had such officers in my regiment, I would have resigned and returned home, long since. But for Colonel Paine, and a few other officers, the regiment would not be what it is, in discipline, drill, conduct and deportment. These opinions are founded upon my own personal observation, having been stationed near the regiment since last June.

Question by the court. What was your opinion, and the general opinion, so far as you were acquainted with it, with regard to the support afforded to Colonel Paine by his officers, on the occasions of the 14th and 15th of August?

Answer. Not supported at all. They should have been put in irons—all those implicated, I mean.

Question. Did General Wool act, in the matter of the discharges of Lieutenants Singletery and Pender, and the two privates, upon his own motion, or did he consult upon the subject with others; and if so, with whom, and what was their opinion and advice?

Answer. He did not consult with me on the subject, and I do not know of his having consulted with others: by consulting, I mean asking advice.

Here Captain W. M. Robinson, of the Virginia volunteers, was called by the court, at the request of Colonel Paine, and duly sworn.

Question by Colonel Paine. Did you come into the camp of the North Carolina volunteers, on the night of the 15th of August last, after the pistol was fired in the camp, and where did you meet Colonel Paine, and what was he doing?

Answer. I came into the camp on that night, but it is so long since, I do not precisely remember where I met Colonel Paine, or what he was doing. I recollect, on that occasion, advising Colonel Paine not to expose himself, as I considered him in great danger. I had heard threats of vengeance against him, and Dr. Caulfield had informed me that he heard one of the men vowing he would take his life that night. Being further interrogated, he added: I cautioned the colonel not to go into the right wing; it was there I heard the threats.

Question by Colonel Paine. When you passed into the North Carolina camp, at the time you mentioned in your former answer, did you see any soldiers of other than the North Carolina regiment, in Colonel Paine's camp, and in what part of his camp?

Answer. I saw a number from the Virginia regiment, and, I think, some from the Mississippi regiment. They were near the first and second companies, on the right of the camp. I ordered those men whom I recognized as belonging to the Virginia regiment, to go to their quarters. There was a great crowd, great excitement, and great confusion. Several officers of the North Carolina regiment were present, and I was greatly surprised to perceive they made no efforts to suppress the disturbances. The night was dark, and I was not able to recognize the officers. I think I saw Lieutenant Pender there for a moment.

Question by Colonel Paine. Do you remember if the company of the North Carolina volunteers, in whose quarters you saw soldiers of the Virginia regiment, was or was not under arms, at the time you came into the camp of the North Carolina volunteers?

Answer. I do not remember distinctly; I do not think it was, however.

Question by Colonel Paine. How long, after the pistol fired, before you went into the camp of the North Carolina volunteers?

Answer. I was in my tent, I think, when I heard the shot; and it struck me, instantly, it was fired by Colonel Paine. I went there immediately. My reason for thinking Colonel Paine had discharged the pistol was, because I had repeatedly seen him insulted in the discharge of his duty. Believing these insults had reached a critical

point, and being firmly persuaded that Colonel Paine was not a man to endure being trampled on, I instantly concluded he had fired off the pistol.

Question by Colonel Paine. Had you any conversation with Dr. Caulfield about any crowd of soldiers that met near the right wing of the North Carolina camp, on the night of the mutiny in that camp, and will you state what that conversation was?

Answer. I do not remember anything connected with that conversation with Dr. Caulfield, except what I have before stated; which statement Dr. Caulfield subsequently confirmed. On further reflection, I now recollect that Dr. Caulfield stated that he overheard a conversation between some men in the crowd, on the night of the 15th of August last, with regard to the destruction of the wooden horse—I think it was in reference to the horse, but I am not confident. Some were encouraging others to advance, stating the guard would not molest them; that they would sooner fire upon the colonel.

Question by Colonel Paine. Were you officer of the guard at Buena Vista at times when Colonel Paine was on duty as field officer of the day?

Answer. Several times.

Question by Colonel Paine. Did or did not Colonel Paine, at the times you spoke of in your last answer, require of all a faithful discharge of their duties, and will you state if you think on such occasions Colonel Paine went beyond the requirements of the duty of a soldier?

Answer. He required of all a faithful discharge of their duties; never to my knowledge went beyond this.

Question by Lieutenant Pender. At what time was it when you think you saw me?

Answer. It was when I went into the North Carolina camp, after the discharge of the pistol.

Question by the court. Was it known by any of the officers, non-commissioned officers, or privates of the Virginia regiment, prior to the 14th of August, that the officers of the North Carolina regiment had agreed and sent a paper to General Taylor, preferring charges against Colonel Paine?

Answer. Not to my knowledge.

Question by the court. Have you any reason to suppose that there was any collusion or understanding between any individuals of the Virginia regiment and North Carolina regiment, in relation to the disturbances of the 14th and 15th of August?

Answer. I have no other reason for so believing than my having met so many Virginians in the North Carolina camp on that night.

Question by the court. What was your opinion and the general opinion, with regard to the support afforded to Colonel Paine by his officers on the occasion of the 14th and 15th of August?

Answer. I did not think he was properly supported by his officers on that occasion, and those officers with whom I have conversed on the subject entertained that opinion.

Question by the court. What was the general opinion among the

officers of the Virginia regiment, in reference to the actions of Colonel Paine on the evening of the 15th of August last?

Answer. The morning after the difficulty I had a conversation with a number of the officers, many of whom expressed a good deal of indignation, in regard to Colonel Paine's conduct, until I imparted to them the explanation I had received from Colonel Paine, when they changed their opinions entirely. By Colonel Paine's conduct, I mean his shooting King. I asked several of them if they would not have acted similarly under such circumstances; and they replied, yes.

Question by the court. Was Colonel Paine generally disliked by the men of all the volunteer regiments encamped at Buena Vista, in August last; and if so, what do you suppose was the cause of such dislike?

Answer. He was disliked, and it was because he did his duty strictly; for no other reason that I know of.

Question by the court. Was it or not your opinion that a mutiny occurred in the camp of the North Carolina volunteers, on the night of the 15th of August, 1847?

Answer. I consider it was a mutiny.

Question by Lieutenant Singletery. Do you not think that the other field officers in camp did their duty; and if so, why were they not disliked as much as Colonel Paine?

Answer. I do not think all did their duty; those who did discharge their duty, were at first disliked quite as much as Colonel Paine. I think that dislike on the part of the men against such officers was not of long continuance, and these very officers became at length the greatest favorites; I mean in the Virginia regiment. The reason why I consider this dislike to have been of short duration in my regiment, was, because the men and officers soon became aware of the necessity of strict discipline, and because there was no familiar intercourse between officers and men. In other regiments I know there was familiar intercourse, on the contrary, between officers and men.

Question by Lieutenant Singletery. Do you think the men of the Virginia regiment had discovered and acknowledged the necessity of strict discipline before the 16th of August last?

Answer. No, I think not; certainly not to the extent they now do.

Question by Colonel Paine. Were those field officers, whom you have spoken of as at first disliked and belonging to the Virginia regiment, supported and sustained by the company officers of their regiment?

Answer. They were always sustained, even when some of the company officers considered them in the wrong.

Question by the court. Was the same support afforded in the North Carolina regiment, under similar circumstances?

Answer. I think not, from what I have seen and heard; my opinion is formed chiefly from what I have heard.

Here Colonel Hamtramck was called, at the request of Colonel Paine.

Question by Colonel Paine. Do you, or not, consider that there was a mutiny in the camp of the North Carolina volunteers, on the night of the 15th of August last.

Answer. Certainly I consider there was.

Question by Colonel Paine. Will you state if you had any conversation with Dr. Caulfield, assistant surgeon of the Virginia regiment, about a crowd of soldiers assembled on the right wing of the camp of the North Carolina volunteers, on the night of the mutiny in that camp, and will you state what that conversation was?

Answer. What Doctor Caulfield told me, is perfectly fresh in my memory. Shortly after the occurrence of the 15th of August he informed me of what he had overheard, and just before he left repeated it to me. As junior assistant surgeon, he was posted on the extreme left of my regiment, and consequently immediately on the right of the North Carolina regiment. The position of his tent accounts for the manner in which he overheard the conversation. Men had collected in the right wing of the North Carolina regiment, near enough for the doctor to overhear them. The object seemed to be to consummate the destruction of the wooden horse, which they had commenced the night before. He heard some man say, in these words, or words to this effect: "We can go on now, I have fixed things with the guard;" meaning, as he understood, the personal guard of Colonel Paine, and "they say, they would a damned sight rather shoot him than any of us;" they then passed on, and not long after he heard the report of the pistol discharged by Colonel Paine.

Question by the court. As a soldier of experience, and one supposed to know how such occurrences have been and are regarded in the army, how would you view a request on the part of the officers of your regiment, for you to surrender your commission as commander of your regiment; would you, or not, consider it mutinous, or abetting mutiny, particularly when a mutiny, riot or violent resistance of authority had occurred immediately previous?

Answer. I would have received it as mutinous proceeding, and have arrested every officer who joined in such a request.

Here Colonel Paine was called, at the request of Lieutenant Singletery.

Question by Lieutenant Singletery. Do you think that Lieutenant Singletery has ever encouraged or allowed any familiarity between himself and the privates under his command?

Answer. I do think he has done so. I cannot say that he has done so directly, but rather through the non-commissioned officers of his company.

Question by the court. Has he indulged in any sociable intercourse with the non-commissioned officers of his company?

Answer. He has. This has been the fault with all the officers of my regiment. I attribute the ill feeling, on the part of my officers towards me, more to my efforts to destroy this familiar intercourse than to any other cause, as I have frequently spoken to officers sternly and severely on this point. I have ordered privates and

non-commissioned officers from the tents of officers, whom I found there smoking, with their caps on, &c. This was more generally the case previous to August 15th, than subsequently.

Question by Lieutenant Singletery. Did you ever have occasion to speak to me on that subject?

Answer. Not with regard to intercourse with the men, but I have had such occasion in reference to the familiarity between himself and his non-commissioned officers; these occasions have existed, though I do not remember having actually spoken to him. Some of the companies have been absolutely incorrigible in this repect; Lieutenant Pender's, for one. This was one of my reasons for not permitting an election in his company.

Question by the court. Did any, and if so, how many, officers of your regiment came forward and offered their services, or manifested a desire to put down the riot or disturbance in the camp of the North Carolina regiment, on the night of the 15th of August?

Answer. Of those for duty, there were but three who reported to me, viz: Lieutenants White and Singleton, and Keith, the latter of whom called my attention to the unusual crowd.

Question by Lieutenant Singletery. Upon reflection, can you state that you ever observed any familiarity between myself and any non-commissioned officer of my company, except the present adjutant, Mr. Whittaker?

Answer. I do not know particularly that there was any extraordinary intimacy between him and any other non-commissioned officers.

Here Colonel Hamtramck was again called by the court.

Question by the court. Have you witnessed any, or much, familiarity between the officers and the non-commissioned officers and privates of the North Carolina regiment.

Answer. I have had very little personal acquaintance with the company officers of the North Carolina regiment. On passing through the street, in front of the officers' tents, leading from my regiment to Colonel Paine's tent, I have frequently seen men, whether non-commissioned officers or privates, I don't know, in the tents of officers, apparently on such terms as I disallowed in my regiment, and, with few exceptions, very rarely exhibited in my regiment.

Here Lieutenant Singletery requested to be permitted to make a statement, "in regard to a passage in the letter to General Taylor, marked E," which passage is in these words: "attempting secretly to destroy the authority over their men." I now believe that charge to be unjust, as I believe every officer does who signed that paper.

Captain N. S. Duggan, North Carolina regiment, called at the request of Colonel Paine, was duly sworn.

Question by Colonel Paine. Did you drill with the North Carolina regiment at Buena Vista, and until what time?

Answer. I did, until about the first of August.

Question by Colonel Paine. Do you consider the conduct of Col-

onel Paine, towards the regiment on drill, disrespectful to the officers of the North Carolina regiment?

Answer. I do not.

Question by Colonel Paine. Do you consider that Colonel Paine's official course or conduct has been overbearing or tyrannical towards the soldiers of the North Carolina regiment?

Answer. No; I never knew Colonel Paine abuse a soldier who performed his duty.

Question by Colonel Paine. Is it, or not, your opinion that Colonel Paine has not had proper support from his officers, in the disciplining and instruction of his regiment?

Answer. In some respects, I think he has not.

Question by Colonel Paine. Have you reason to suppose Colonel Paine has been actuated in his command by any other motive than one pertaining to the discipline and instruction of his regiment?

Answer. I never supposed him to have been actuated by any other motive than the good of the regiment.

Question by Colonel Paine. Have you ever known or heard that Colonel Paine was negligent of his duty as an officer?

Answer. No; to the contrary, very diligent.

Question by Colonel Paine. Do you think that Colonel Paine has, or has not, exhibited a due regard for the safety and welfare of the troops under his command?

Answer. I think he has.

Question by Colonel Paine. Will you state if you, at any time, called on Colonel Paine to send officers into Saltillo, to wait on Captain Pender, who was sick, and the reason for such a request?

Answer. I suggested to Colonel Paine the propriety of sending some officers to Saltillo, to sit up with Captain Pender; this was about the 20th of August, I think. Captain Pender was very ill, and I did not think he had proper attention. I was myself sick at the same house, at the time, and frequently in his room. I administered medicine to him often. Lieutenant Pender was staying there at the time; he was absent much of the time, and I did not consider him a good nurse. I did not think his absence was owing to want of feeling.

Question by Colonel Paine. Will you state if Lieutenant Pender left his cousin, Captain Pender, during his last illness; and if he was not entreated by yourself and others to remain with Captain Pender?

Answer. Lieutenant Pender left his cousin a short time before his death, and I did insist upon his staying. I think I told him I thought he would either get better, or die very soon; and if he died here, he could then take his remains home.

Question by Colonel Paine. Did Lieutenant Pender give any reason for leaving Captain Pender; and, if so, what reason did he give?

Answer. He gave the following reason: that he wished to get on to Washington city, for the purpose of having an interview with the President, in regard to his being dishonorably discharged the service.

Question by Colonel Paine. Where were you on the nights of the 14th and 15th of August last, at the time of the disturbances in the camp of the North Carolina volunteers?

Answer. I was in Saltillo, on sick leave.

Question by Colonel Paine. Do you, or not, disapprove the course of the officers of the North Carolina regiment, in signing the paper, calling on Colonel Paine to leave the command of the regiment?

Answer. I certainly do disapprove of it.

Question by Lieutenant Singletery. How long were you on duty with the regiment at Buena Vista?

Answer. Directly after we arrived at Buena Vista, I was detailed on a court martial. In consequence of some officers, who were also detailed, not going on parade, as I believe, General Wool issued an order that all officers detailed on courts martial should not be exempt from duty with the regiment, except while in attendance at the court; consequently, I was at battalion drill every evening, until the hour was changed from evening to morning. After the adjournment of the court, I do not think I did duty with the regiment while at Buena Vista. I was probably on duty with the regiment not to exceed four weeks, at Buena Vista.

Question by Lieutenant Singletery. Do you, or not, think that Colonel Paine has generally had proper support from the officers of his regiment?

Answer. Generally, I thought not.

Question by Lieutenant Pender. Do you not know that I made the same request that officers might come in and sit up with Captain Pender?

Answer. I know that he requested other officers to sit up with him.

Question by Lieutenant Pender. Did I not tell you that I was permitted to remain until a change was manifested; and was not Captain Pender's situation improved, or was thought to be, by the physicians attending?

Answer. Yes, you told me you had such permission. I never thought that Captain Pender was better when he left; I cannot say that the physicians thought him improving.

Question by Lieutenant Pender. Did I not also state that I considered it my duty to leave, in accordance with that order; and that, besides, I was anxious to go to Washington, and have the matter, wherein I was illegally and innocently condemned, investigated?

Answer. I do not recollect Lieutenant Pender having said it was his duty to leave; I know he was not compelled to leave, by the order referred to. He did say he was anxious to go to Washington, to have the investigation.

Question by Lieutenant Pender. Did I not further state that, a train being about to leave, I considered I had better go then, as I might be ordered off in a day or two, when no safe opportunity would be afforded me?

Answer. I do not recollect his having made such a statement to me.

Question by Lieutenant Pender. Did I not procure the attendance of other physicians to consult with the surgeons of our regiment?

Answer. He did speak to Doctor McCrae on the subject; other physicians were in attendance, through the instrumentality, I suppose, of Lieutenant Pender.

Question by Lieut. Pender. Did I not exact of you a promise, that he (Captain Pender) should not be neglected; and did you not promise that Captain Pender should receive every attention, before I left?

Answer. Yes.

Question by Lieutenant Pender. Was it not immediately after my arrest and restoration, while sitting on court martial, that the order was read out, that no person should be excused from drill, on account of their sitting on court martial?

Answer. Yes, it was.

Question by Colonel Paine. Have you considered the course, or conduct, of Colonel Paine at any time disrespectful to the officers of the North Carolina regiment?

Answer. No.

The court adjourned, to meet at 10 o'clock, a. m., on Monday, 28th February, 1848.

TWENTY-NINTH DAY.

Saltillo, Mexico,
Monday, February 28, 1848.

The court met pursuant to adjournment.

Present: All the members.

In consequence of the illness of the judge advocate, Major Cass, with the acquiescence of the parties before the court, recorded the proceedings.

Captain Kenton Harper, Virginia volunteers, one of the witnesses named by General Wool, was called by the court, and duly sworn.

Question by the Court. Have you any reason to believe that there was any collusion, or understanding, between individuals of the North Carolina and Virginia regiments, in reference to the proceedings of the nights of the 14th and 15th of August.

Answer. Being in town, I had no opportunity of knowing, personally, whether such was the case. In my intercourse with officers, I found there was a good deal of excitement among some of the younger officers of the Virginia regiment. My personal intercourse with the officers of the North Carolina regiment was very limited. I have no reason to believe there was any collusion between the two regiments.

Question by the court. What is your opinion of the proceed-

ings of the night of the 15th of August, at the camp of the North Carolina volunteers—that there was a mutiny, or not?

Answer. I consider the proceedings to have been mutinous, and those officers, I believe, whose feelings were no way involved in the affair, entertained the same opinion.

Question by Lieutenant Singletery. Among the men of what regiment was it generally considered that this mutinous feeling existed?

Answer. I am unable to say in what regiment this feeling manifested itself most strongly. I understood the excitement was general, and participated in by men from the North Carolina, Virginia, and Mississippi regiments.

Question by the court. What is your opinion of Colonel Paine, as an officer?

Answer. My opinion is, that he is among the very best I have ever known; attentive and vigilant. This reply is based upon the condition in which I have found his command, in the exercise of my duties as acting inspector general.

Question by the court. Have you observed much undue familiarity between the officers and non-commissioned officers, or privates, of the North Carolina regiment?

Answer. My opportunities for judging on this point have not been very good. With one single exception, no improper familiarity has come under my observation; in that case, the officer, I understand, was under arrest.

Lieutenant Colonel John A. Wilcox, Mississippi regiment of volunteers, one of the witnesses named by General Wool, was here called by the court, in consequence of being about to leave Saltillo, and duly sworn.

Question by Lieutenant Singletery. Do you, or not, consider that the disturbances which occurred in the North Carolina camp, at Buena Vista, in August last, were brought on by the tyrrannical and overbearing conduct of Colonel Paine?

Answer. If I should reply from observation, I could not say it was brought on by any tyrannical conduct of Colonel Paine; but from hearsay, it was in consequence of tyrannies exercised by him, none of which came under my observation.

Question by the court. What is your opinion of the proceedings, on the nights of the 14th and 15th of August, in the North Carolina camp; was there a mutiny, or not?

Answer. On the night when I heard the report of the pistol, I was sitting in Captain Robinson's tent, of the Virginia regiment, conversing upon the subject of the Mississippians, North Carolinians, and Virginians having assembled near Colonel Paine's tent, on the night of the 14th, with the view of tearing down a wooden horse, which had been erected for the punishment of the disorderly. I observed to Captain Robinson, that I regretted to hear that any Mississippians were present. At that moment, a pistol was fired in the North Carolina regiment. Captain Robinson observed that Colonel Paine had shot some one, and he did not wonder at it. I remarked, I would go there with all speed, and if I

found a Mississippian there, I would send him to the guard-tent. Upon arriving, I found none. I passed rapidly through a large crowd, which had assembled, for the express purpose of ascertaining if any of my men were there, which crowd I found in quite a clamorous condition, and was composed of Virginians and North Carolinians. I was informed that none of my men had been there, but had dispersed previous to the report of the pistol. The crowd was in the North Carolina camp, some forty yards, I should think, from Colonel Paine's tent. I heard mutinous expressions in the crowd, which was very dense. I presume there were 150 or 200 persons in the crowd, as nearly as I could judge.

Question by Lieutenant Singletery. Did, or did not, many of the reports concerning the tyrannies of Colonel Paine, come to you in such a way as left no room for you to doubt their truth?

Answer. I was informed by officers of the three regiments, that they considered the conduct of Colonel Paine as tyrrannical.

Question by Lieutenant Singletery. What was the character of the North Carolina regiment at Buena Vista, for good order and discipline?

Answer. I consider that there was better order and discipline in the North Carolina regiment than in either of the other two regiments. I never knew a more orderly set of men than the North Carolina regiment.

Question by Lieutenant Singletery. Have you, or not, frequently heard it remarked as strange, that the North Carolinians should submit so quietly to the tyranny of Colonel Paine?

Answer. I have heard that remark made by soldiers of the other regiments, and I have heard it made by one or two officers of my own regiment.

Question by Lieutenant Singletery. What is your opinion of Colonel Paine as an officer—that he is tyrannical and overbearing, or that he carries his severity only so far as his duty requires?

Answer. From observation, I should think Colonel Paine one of the most prompt, energetic, and thorough officers in the three regiments. I believe several of the colonel's acts amounted to a species of tyranny; but, at the same time, I believe they were prompted by the good of the service. I know of but one act committed by the colonel which I disapproved of; I think he should have called out one or more companies, instead of endeavoring himself to suppress the difficulty.

Question by Colonel Paine. Do you, or not, know that Colonel Paine had a quarter guard stationed at his tent, on the night of the 15th of August last?

Answer. I do not.

Question by Colonel Paine. Do you, or not, know that Colonel Paine ordered an officer of his (the North Carolina) regiment to bring up a force from the officer's company, to expel from the North Carolina camp the crowd into which the pistol was fired, on the night of the 15th of August last?

Answer. I do not know this from my own knowledge; I heard such was the case on arriving at the crowd.

Question by Lieutenant Singletery. Do you, or not, think, that if Colonel Paine had anticipated these difficulties, he should have informed his company officers of them?

Answer. In my own case, under similar circumstances, I should have detailed a force sufficient for the emergency.

Question by the court. Do you, or not, consider that Colonel Paine was properly supported by his officers, on the nights of the 14th and 15th of August?

Answer. I do not know whether he was or was not supported.

Question by the court. Do you, or not, think there was a mutiny in the North Carolina camp on the evening of the 15th of August last?

Answer. I think there was.

Question by Lieutenant Singletery. If all the company officers turned out at the call, and remained at their posts as long as they were required to do so, would you, or not, consider this a proper support of the colonel?

Answer. I should consider that a proper support—provided they were not ordered elsewhere?

Captain P. M. Henry, of the North Carolina regiment, being called by the court, at the request of Colonel Paine, was duly sworn:

Question by Colonel Paine. Will you state if you were with the North Carolina regiment, under Colonel Paine, and for how long a time, before you were detached with your company?

Answer. I was with the regiment at its first organization, at Smithsville, in North Carolina; I sailed with Colonel Paine, and two companies, for the Brassos, where we arrived the 22d of March; I marched with Colonel Paine and four companies from that place to Camargo; we were there subsequently joined by the remainder of the regiment; I think on the 7th of May I was detached from the regiment with my company, and have remained so ever since.

Question by Colonel Paine. Will you say if, while you were with the command under Colonel Paine, you have known or considered him in his course or conduct as disrespectful to officers of the North Carolina regiment?

Answer. Not at all disrespectful—on the contrary, respectful and courteous.

Question by Colonel Paine. Will you state if you have, at any time, considered the course or conduct of Colonel Paine as tyrannical or overbearing towards the soldiers of his regiment?

Answer. I have not.

Question by Colonel Paine. Will you state if you have ever known or heard of Colonel Paine having neglected his duty as an officer?

Answer. I have neither known him do so, nor have I ever heard that he did so.

Question by Colonel Paine. Will you state if you have ever

known Colonel Paine neglectful or careless of the safety and welfare of the troops under his command?

Answer. I have never known him to be neglectful of the safety; but, on the contrary, have ever deemed him to be remarkably vigilant and careful of it.

Question by Colonel Paine. Will you state if you consider Colonel Paine, on the march from the Brassos to Camargo, imposed any unnecessary hardship on any of the troops under his command?

Answer. I would state, that, at the outset of our march from the Brassos, I deemed the bearing of the knapsacks by the men, at that season of the year, in a tropical climate, too great a burden; but I add, that, so soon as Colonel Paine discovered the same thing, he at once very readily ordered the men to be released of their knapsacks, and the means of transportation at hand, by wagons, to be used—therefore, on the second or third day's march, I believe the greater portion of the men were thus, by his permission, relieved of their knapsacks. In all of this, I consider that there was not, by any means, any tyrannical or oppressive conduct.

Question by Colonel Paine. How many men under the command of Colonel Paine do you think performed the whole march on foot, from the Brassos to Camargo.

Answer. A considerable number were taken sick, and hauled along in the wagons—the rest performed the march on foot.

Question by Colonel Paine. When and where did you lose the first man from your company, (G,) after our arrival in Mexico?

Answer. At Camargo; about the middle of May, I think.

Question by Colonel Paine. At what time did the command under Colonel Paine reach Camargo?

Answer. About the first of April, as well as I remember.

Question by Colonel Paine. Where did those men of your company die, who have died since coming to Mexico, and within what time have the deaths occurred?

Answer. Mostly in Saltillo—and during the months of July, August, and September.

Question by Colonel Paine. What is your opinion, from what you have heard of the disturbances in the camp of the North Carolina volunteers, on the night of the 15th of August last; was there a mutiny or not?

Answer. From what I have heard, I consider there was a downright mutiny.

Question by Colonel Paine. Have you heard of the paper signed by officers of the North Carolina regiment on the 16th of August last, calling on Colonel Paine to leave the command of the regiment, and will you state if you approve or disapprove that act?

Answer. I have heard of it, and entirely disapprove of it.

Question by Col. Paine. Will you state if you heard any conversation among officers of the North Carolina regiment, shortly after the occurrences on the night of the 15th of August last, in relation to the disturbances on that night, and what that conversation was?

Answer. I heard some conversation a day or two after the occurrences in the North Carolina camp, in regard to Colonel Paine's

conduct, the greater portion of which conversation I do not remember; but distinctly remember that it was declared by one of the officers, in presence of other officers, that after Colonel Paine should return to North Carolina, even his whiggery in that State could not or should not save him. This officer was Lieutenant David S. Johnson.

Question by Colonel Paine. Will you state if you have ever known Colonel Paine, at any time since he took command of the North Carolina regiment, permit or suffer to pass unpunished any act of insubordination in any one under his command?

Answer. I have not.

Question by Colonel Paine. Will you say if Colonel Paine has, or has not, required of the officers and men of his command, a faithful discharge of their several duties?

Answer. He has.

Question by Colonel Paine. Will you say if Colonel Paine has, or has not, required of any one under his command, any other than the duties pertaining to the rank and station of the person?

Answer. He never has, so far as my knowledge extends, nor have I ever heard of his having done so.

Question by Lieutenant Singletery. Did I not leave with you for Monterey on the 7th of May, and had you ever, up to that time, heard any complaint from me against Colonel Paine?

Answer. You did leave with me at that time, and you never had, up to that time, expressed any complaints, in my hearing against Colonel Paine.

Question by Colonel Paine. When did you first hear Lieutenant Singletery complain of Colonel Paine?

Answer. I do not remember ever to have heard him allege any complaints against Colonel Paine, prior to the unfortunate disturbances, of the 14th and 15th of August; during the whole time I was detached from the regiment; and he in a short time left me.

Question by Colonel Paine. Did you hear officers of the North Carolina regiment complain of Colonel Paine, prior to the 14th or 15th of August last?

Answer. Yes, I have heard many complaints of his discipline; but I thought that discipline highly necessary for the service, and causing a too great restraint over them; it was the origin of these complaints.

Question by Colonel Paine. Have you ever known troops under my command to commit any depredations upon the rights, or property of any one?

Answer. I never have when you were present.

Question by Lieutenant Singletery. From what source did you learn the character of Colonel Paine's discipline?

Answer. From the manner in which he has always exacted the performance of our duties, on the part of myself, my officers and men.

Question by Lieutenant Singletery. Did you have an opportunity of observing Colonel Paine's discipline and conduct to the officers

at Buena Vista, and what induced you to believe that he was not too severe?

Answer. I had sufficient opportunity for judging by my visits to the camp, and frequent inquiries of some of the officers in regard to Colonel Paine's discipline.

Question by Lieutenant Singletery. Did you ever attend battalion drill at Buena Vista, and how often?

Answer. I never did under the command of Colonel Paine.

Question by Colonel Paine. Did you hear the discipline of Colonel Paine at Buena Vista generally spoken of by officers in the regular service; and what was their opinion of it?

Answer. I heard it generally spoken of by them. It was generally asserted by them, within my hearing, that the discipline and general police of the North Carolina camp, at Buena Vista, resembled the discipline and police of a regiment of regulars more than any other regiment of volunteers they had ever seen in the service; and I heard it asserted by many of them that Colonel Paine was very competent to command a regiment of regulars.

Question by the court. Have you been so much detached from the command of Colonel Paine as not to have good opportunities of judging of his conduct?

Answer. I have not.

Question by the court. Do you consider that Colonel Paine was properly supported by his officers on the nights of the 14th and 15th of August?

Answer. From what I have heard, he was not generally.

Here Third Sergeant J. B. Asken, of company I, North Carolina regiment, was called at the request of Colonel Paine, and duly sworn.

Question by Colonel Paine. Did you hear any threats towards Colonel Paine, made by any soldiers of the brigade, while at Buena Vista, shortly before the night of the 15th of August last; and if so, what were those threats?

Answer. I heard threats. I heard soldiers of the Virginia regiment threaten to take Colonel Paine out of his tent; I think this was on the day or day before the man was shot; I think those threats were made at the spring. I have also heard them make threats on guard; that they would get him sometime, were words I heard.

Question by Colonel Paine. Will you state, if you know, for what reason these threats were made against Colonel Paine?

Answer. I do not know; but I think it was because they complained he was tight with them on guard.

Question by Colonel Paine. Did those persons, whom you heard at the spring threaten to take Colonel Paine out of his tent, say when they would do this?

Answer. I think they threatened to take him out that night; I can't say positively.

Question by Lieutenant Singletery. Did you or not consider the threat you heard made by the Virginians as more idle talk than anything else?

Answer. I so regarded them, but they proved differently.

Question by Lieutenant Singletery. Have you any reason to believe there was any collusion between the men of the Virginia and North Carolina regiments on the night of the 15th August?

Answer. I have no reason to believe there was.

Question by the court. Were there any Virginia or North Carolina officers, so far as you know, engaged in the disturbances of the 14th and 15th of August?

Answer. Not to my knowledge.

Question by the court. Was there, in your opinion, a mutiny in the North Carolina regiment on the nights of the 14th and 15th of August?

Answer. I think not.

Question by the court. Did you know at the time that a letter had been written on the 7th of August last, by officers of the North Carolina regiment, to General Taylor, making complaints against Colonel Paine, and was it known to other non-commissioned officers and privates of the North Carolina regiment?

Answer. I did not know of it at the time. I first heard of it about two months ago; I do not known whether it was known to the other non-commissioned officers or privates of the regiment.

Here James D. Gardener, musician of E company, North Carolina volunteers, was called at the request of Colonel Paine, and duly sworn:

Question by Colonel Paine. Did you hear any threats against Colonel Paine, made by any person in the brigade at Buena Vista, on the night when Bradley was shot in the camp of the North Carolina volunteers?

Answer. Yes, I heard threats; I heard some of the Virginians say they would tear down Colonel Paine's tent, and take him out, and treat him as they pleased. I have heard them make threats about shooting him if they should catch him out at night.

Question by Lieutenant Singletery. Did you report to any officer that you had heard the Virginians threaten violence to Colonel Paine?

Answer. I never made any report.

Here J. B. Whittaker, adjutant of the North Carolina regiment, was called at the request of Colonel Paine, and duly sworn:

Question by Colonel Paine. In what capacity were you acting in the North Carolina regiment on the 14th and 15th of August last?

Answer. I was first sergeant of H company.

Question by Colonel Paine. Did you know, and in what manner, that a letter was addressed to General Taylor, on the 7th of August last, by any officers of the North Carolina regiment, complaining of Colonel Paine.

Answer. I was in the tent of Lieutenant Singletery about that time. I heard him read over a letter prepared for General Taylor. He directed me to order Corporal Peoples, of the same company, to go to his (Lieutenant Singletery's) tent, and to copy the letter; I

went with Peoples, and was present when he copied and directed the letter to Major Bliss.

Question by Colonel Paine. Did you, while you were first sergeant of H company, North Carolina volunteers, hear any officer, or officers, speak violently of Colonel Paine; and if so, will you state the language used, and when and where it was used?

Answer. I have heard Lieutenant Singletery use a great many oaths, while speaking of Colonel Paine; I cannot recollect the exact language. The occasions were while we were in camp at Buena Vista, and in Lieutenant Singletery's tent. The oaths were very abusive of Colonel Paine.

Question by Colonel Paine. Will you state what feelings you entertained towards Colonel Paine while you were first sergeant of H company?

Answer. I entertained most bitter feelings towards him at that time.

Question by Colonel Paine. Will you state what those bitter feelings arose from?

Answer. I was induced to believe Colonel Paine was very tyrannical, from the many conversations I had with Lieutenant Singletery about Colonel Paine.

Question by Colonel Paine. Will you look back to the time when the regiment was stationed at Buena Vista, and say, if considering all you saw there in the conduct of Colonel Paine, you consider that he was tyrannical in his conduct? I desire the witness would answer this question from his experience in command, since he has been a commissioned officer of the North Carolina regiment?

Answer. I do not consider his conduct to have been tyrannical.

Question by Colonel Paine. Do you, or do you not, know whether Colonel Paine, while at Buena Vista, ever required of any one under his command more than the performance of their ordinary duties?

Answer. I do not know of his ever having done so.

Question by Colonel Paine. Did you ever know Colonel Paine to punish any one under his command, or to have any one punished, except for some breach of order or discipline?

Answer. No.

Question by Colonel Paine. Will you state whether the personal interference and attention of Colonel Paine was, or was not, sometimes necessary to insure the proper attention of the soldiers of H company, North Carolina volunteers, to their duties while at Buena Vista?

Answer. Colonel Paine has on several occasions found the company in their tents after reveille. They did not come out till ordered out by him.

Question by Colonel Paine. Will you state if you heard Lieutenant Singletery, when he was once in arrest at Buena Vista, say anything about obtaining a trial by court martial; and if so, what did he say about it?

Answer. I heard him say that he would not resume his sword until he had had a trial. He had a defence partly written out, which he said was for the court.

Question by Colonel Paine. Did you read that defence or hear it read, and was it respectful to Colonel Paine or not?

Answer. I heard it read by Lieutenant Singletery. I think it was very disrespectful.

Question by Colonel Paine. Did you hear that any disturbances were to take place on the night of the 15th of August last in the camp of the North Carolina volunteers, and when did you hear it?

Answer. I heard from all the men of the company that the remains of the wooden horse would be carried off on the night of the 15th of August. I heard this during the day of the 15th.

Question by Colonel Paine. Have you any reason to suppose that Lieutenant Singletery knew that any attempt to disturb the quiet or order in the camp of the North Carolina volunteers would be made on the night of the 15th of August last?

Answer. I first learned from him (Lieutenant Singletery) that a party were lying off, in the rear of the colonel's tent, awaiting an opportunity to seize the horse; and I was asked by him if there were not men of H company that would join them, or could be entrusted with this business. This was about 8 o'clock in the evening of the 15th of August.

Question by Colonel Paine. Had Lieutenant Singletery been absent from his company quarters between retreat and 8 o'clock on the night of the 15th of August?

Answer. He had been absent. I met him coming from the direction of the centre or right wing of the camp, and it was then I had the conversation mentioned in the preceding answer.

Question by Colonel Paine. Were you present with Lieutenant Singletery at the foot of the street of K company, North Carolina volunteers, when Colonel Paine was suppressing the insubordination in that company on the night of the 15th of August last, and will you state what occurred?

Answer. I was present with Lieutenant Singletery at the foot of K company street at the time mentioned. It was very dark. I could not discover what was going on except from what I heard. K company had refused to take arms, after having been ordered to take them by Colonel Paine himself. Two or three of them did not take arms at all, and were sent by Colonel Paine to the provost guard; while the men were going to the provost guard, one of them passed into his tent, which drew Colonel Paine to that place. Lieutenant Singletery and myself fled. I went to my company, and I think Lieutenant Singletery turned off to some other company.

Question by Colonel Paine. When did you next see Lieutenant Singletery after you fled from the foot of the street of K company on the night of the 15th of August?

Answer. It was perhaps an hour afterwards that I saw him coming from the direction of the right wing or the centre, and met him.

Question by Colonel Paine. Do you know anything of an order having been given to Lieutenant Singletery to bring any man to the tent of Colonel Paine on the night of the 15th of August; and if so, will you state how you knew it, and what you know about it?

Answer. When I met him as mentioned in my last answer, he told me that Colonel Paine wanted me to carry him twenty or twenty-five men as a guard. I told him he knew the men would not go, and he ought to do it himself. He said he had been ordered to carry the men himself, and then turned off and walked in the direction of his tent, remarking at the same time that I might carry them if I chose. I went to the company tents for the purpose of making this detail. From some of the tents I received for answer, "I will not go," and from others no answer at all.

The court adjourned to meet at 10 o'clock, a. m., to-morrow.

THIRTIETH DAY.

SALTILLO, MEXICO,
Tuesday, February 29, 1848.

The court met pursuant to adjournment: present, all the members.

Examination of Lieutenant Whittaker resumed.

Question by Colonel Paine. Did you hear the fire of the pistol in the North Carolina camp on the night of the 15th of August last; and if so, was it before or after you received the order to call out the men from your company, H?

Answer. I heard the report of the pistol, and it was after I received the order.

Question by Colonel Paine. Was there, or not, a sufficient time between receiving the order to call out the men and the report of the pistol to have enabled you to bring the twenty men to Colonel Paine's tent, if the men would have turned out?

Answer. I think there was; there was five or ten minutes.

Question by Colonel Paine. Did you hear the order given, after the pistol was fired in camp, to turn out the companies of the regiment under arms; and will you state if there was any reluctance in the men of H company to turn out, and who gave the order to that company to turn out?

Answer. I heard no order given for them to turn out, but I ran, as soon as I heard the discharge of the pistol, through the company street, at the same time saying in a loud voice, you must turn out, I believe we are having an attack. This was the only order given to them to my knowledge to turn out, and they turned out then very promptly.

Question by Colonel Paine. Will you state if any order was given for a non-commissioned officer from H company to report at Colonel Paine's tent on the night of the 15th of August last, after the pistol was fired in camp, and whether, if so, the order was obeyed?

Answer. I received an order from Colonel Paine, through the sergeant-major, I think, to carry a non-commissioned officer to the colonel's quarters; I called on the non-commissioned officers of the

company, and all feigned sickness; consequently the order was not obeyed.

Question by Colonel Paine. Will you state whether or not there were an unusual number of non-commissioned officers and soldiers of H company North Carolina, volunteers, absent from battalion drill immediately after reveille, on the morning of the 16th of August last, and if a special report of the reason of their absence was or was not called for?

Answer. There was an unusual number of non-commissioned officers absent on the occasion referred to, and a report was called for by Colonel Payne to account for their absence.

Question by Colonel Payne. Will you state if the special report you spoke of in your answer to the last question was made, what that report was?

Answer. I made a report as directed by Lieutenant Singletery, with remarks opposite to each absentee's name, and presented it to Lieutenant Singletery for his signature. He signed the report and I delivered it to Colonel Paine.

Question by Colonel Paine. Will you state if to your knowledge there was any general disaffection among the soldiers of the North Carolina regiment towards Colonel Paine while camped at Buena Vista, and how long that disaffection had existed?

Answer. There was no serious dissatisfaction existing among the men of the regiment towards Colonel Paine, to my knowledge, until after the evening of the 14th of August last.

Question by Colonel Paine. Will you say how long you have reason to suppose that Colonel Paine has been aware of your knowing anything of the occurrences in the camp of the North Carolina volunteers on the night of the 15th of August last?

Answer. Not more than two or three weeks, I think.

Question by Colonel Paine. Did you or not know anything of a paper signed by officers of the North Carolina regiment on the morning of the 16th of August last, and if so, will you state what you know about it?

Answer. I knew there was a paper requesting the colonel to resign in existence; I saw it.

There was a difference of opinion among officers as to the propriety of inserting the word "forthwith." I heard the paper read. The paper was then in the hands of Lieutenant Singletery. It was in his tent that I heard it. I know nothing further about it.

Question by Lieutenant Singletery. Can you state that Lieutenant Singletery ever allowed any familiarity between himself and any non-commissioned officer of the company (H) except yourself?

Answer. I have frequently seen non-commissioned officers in his tent and also privates. There was no familiarity; on the contrary, I was often ordered by Lieutenant Singletery to keep them out.

Question by Lieutenant Singletery. How did the drill and discipline of company H compare with that of other companies in the regiment, and what was my character as a disciplinarian?

Answer. The company appeared as well as any other in regard

to drill and discipline, and Lieutenant Singletery was looked upon by the company as very rigid in his discipline.

Question by Lieutenant Singletery. Was it not daily expected at the time you saw the letter to General Taylor that an election would be ordered for a lieutenant in company H, and was it not certain that you would be elected?

Answer. Such was the expectation. I considered my election as certain.

Question by Lieutenant Singletery. Did you or do you not believe that I had any previous knowledge of the intention of any one to do personal violence to Colonel Paine on the night of the 15th of August last?

Answer. I did not believe so at that time; I do not think so now.

Question by Lieutenant Singletery. Did you not have abundant opportunities of seeing and judging of Colonel Paine's conduct at Buena Vista?

Answer. I did.

Question by Lieutenant Singletery. Was there any other conversation between us concerning the guard the colonel had called for, except what you have related?

Answer. None that I remember.

Question by Lieutenant Singletery. When I said I would not resume my sword without a trial, had or had not Colonel Paine promised that I should have a trial if I desired it?

Answer. Not to my knowledge.

Question by Lieutenant Singletery. Have you not repeatedly said to me that there was not time for you to have properly turned out the guard before the firing of the pistol?

Answer. I have not.

Question by Lieutenant Singletery. Have you any reason to believe that the officers of the North Carolina regiment intended requesting Colonel Paine to resign before the 16th of August?

Answer. I have not.

Question by Lieutenant Singletery. Were not the relations formerly existing between us those of warm personal friendship?

Answer. Yes.

Question by Colonel Paine. Will you state if you saw Lieutenant Singletery on his return to the regiment, and if he did, or did not, express surprise at seeing you adjutant of the regiment, and what did he say about it?

Answer. I do not know that he expressed any very great surprise, but he said he was sorry for it, as he relied upon me to assist him as an officer of his company. He further said that he feared he had given me too good a name at home.

Question by the court. Was Lieutenant Singletery's abuse of Colonel Paine, which you have mentioned, prior to the 15th of August last?

Answer. It was.

Question by the court. Were there any other non-commissioned

officers or privates, besides yourself, present at any time, when Lieutenant Singletery was speaking abusively of Colonel Paine?

Answer. I think there were, though I do not remember who; it was an every day's occurrence.

Question by the court. When you were directed to have the letter to General Taylor copied by Corporal Peoples, were you and the corporal cautioned to keep the matter a secret from the other non-commissioned officers and men? was the subject kept a secret from the other non-commissioned officers and men? was the fact of the letter having been written and sent known to other non-commissioned officers and men, before the 14th and 15th of August?

Answer. We were not cautioned to keep it secret. I spoke of the subject frequently to other non-commissioned officers and men; this was prior to the 14th and 15th of August?

Question by the court. Were there any non-commissioned officers or privates, beside yourself present, when Lieutenant Singletery read the defence, which you have mentioned, that he had prepared in anticipation of a trial?

Answer. There were none present.

Question by the court. Was the paper, which you saw on the morning of the 16th of August last, asking Colonel Paine to resign, seen by other non-commissioned officers or privates, before it was sent to Colonel Paine?

Answer. Not to my knowledge.

Question by Lieutenant Singletery. Please name the men and non-commissioned officers to whom you spoke of the letter to General Taylor?

Answer. I spoke of it to Sergeant Major Black, and to Sergeant Champ. I do not recollect any other names, though I spoke of it frequently and freely.

Lieutenant Singletery here requested permission to make the following statement to the court:

In presenting the accompanying papers marked O. P. to the court, I desire to state that I never fled from Colonel Paine, and that I never informed any one that a body of men had collected in the North Carolina camp, for the purpose of seizing and carrying off the wooden horse. I was not myself aware that such was the case. Some conversation may have occurred between us, from which the witness drew such an inference; but I never said to any one that such was the case, and if it was, I was entirely ignorant of it.

Lieutenant Whittaker admitted the hand-writing of the said papers to be his. The court permitted the papers marked O. P. to be attached to the record.

Lieutenant Whittaker's examination continued:

Question by Colonel Paine. Has, or has not, Lieutenant Singletery spoken to you of a letter written by you to him, dated 17th of August last, being the letter marked O, if so, what said he in relation to the letter?

Answer. He called at my office, about a month ago, and told me he had one of my letters. Believing it was a letter for me from some friend in the United States, I asked him for it. He said no, it was a letter I had written to him, while I was sergeant at Buena Vista; that Lieutenant Pender had very wisely preserved it; he had thought it was lost.

Laton W. Jones, North Carolina volunteers, quartermaster sergeant, was here called by the court, at the request of Colonel Paine, and duly sworn:

Question by Colonel Paine. Was a paper handed to you by Lieutenant Pender, on the morning of the 16th of August last, at Buena Vista, and did you read that paper, and what were its contents?

Answer. Lieutenant Pender handed to me a paper, at that time and place; I read it. It was a paper calling on Colonel Paine to surrender his commission as colonel of the regiment.

Question by Colonel Paine. What was your station in the North Carolina regiment at that time?

Answer. I was a private and clerk in the adjutant's office.

Question by Colonel Paine. What became of the paper handed you by Lieutenant Pender, as you have stated, after you read it?

Answer. I delivered it to Colonel Paine, who was in his tent at the time.

Question by Colonel Paine. Will you state about what time of the day the paper referred to was handed to you?

Answer. I think it was in the morning.

Here Lewis F. Rane, a private of I company, North Carolina volunteers, was called by the court, at the request of Colonel Paine, and duly sworn:

Question by Colonel Paine. Will you state what you know of any threats having been made against Colonel Paine, by any soldiers of the brigade at Buena Vista, previous to the night of the 15th of August last?

Answer. A Virginian came into the North Carolina camp the day after the man was shot, and I heard him say that he would kill the colonel if he could find him out of the camp, or get satisfaction out of him. I was on guard the day the man was shot, and a Mississippian, who was on guard with me, said in my hearing that he would kill the colonel, provided he had a chance. When the wooden horse was up, I heard men of the Mississippi and Virginia regiments say that they would either take the wooden horse, or the colonel. Three men of the North Carolina volunteers were present when this was said. I saw a Mississippian, with a rifle under his coat, for two days walk about our camp, saying if he could meet a certain man, by whom I was certain he meant our colonel, he would fix him off.

Question by Colonel Paine. During the day or night, when you were on guard, as you stated, was any thing said about any disturbance to be created in the camp of Colonel Paine that night?

Answer. The officer of the guard was a Mississippian. He said he bet fifty dollars there would be a "stampede," or fuss of some kind, in the North Carolina camp that night, before 10 o'clock. I do not remember the name of the officer, (of that officer of the guard.) Five days after I was on guard, I heard a Mississippian boasting that he had snapped a cap at the colonel as he walked at the funeral of Captain Shive. He said, if his rifle had gone off, he would have blown the old devil's brains out; these were his very words.

Question by Lieutenant Pender. Were the threats made against Colonel Paine, on the occasion spoken of in your previous answer, made by any soldier of the North Carolina regiment, or were they merely present when the threat was made, either to take the wooden horse, or take the colonel?

Answer. They were merely standing there; they said not a word.

Question by Colonel Paine. Did you hear, or know of any stones being thrown against Colonel Paine's tent; state what you know about it?

Answer. I heard the sound of three or four rocks thrown against Colonel Paine's tent; they were thrown by two Virginians, who ran past me to their own quarters.

Question by Lieutenant Singletery. Were you ever apprehended for desertion?

The court would not require the witness to answer this question, and he accordingly remained silent.

At the request of Lieutenant Singletery, the question was suffered to remain on the record. Lieutenant Singletery was informed by the court that he was at liberty to establish the fact of his being apprehended for desertion by any other person, and the court, at his request, called Colonel Paine.

Question by Lieutenant Singletery. Was not the man Rane once apprehended for desertion?

Answer. I cannot answer positively. Some men of the regiment were arrested for desertion, but whether Rane was one of them or not I do not know.

William Cline, private of company A, North Carolina volunteers, was here called, at the request of Colonel Paine, and duly sworn.

Question by Colonel Paine. Did you know of any crowd of soldiers having collected together on the night of the 15th of August last before the pistol was fired in the camp of the North Carolina volunteers; and where was this crowd collected; and what did you hear said in the crowd?

Answer. I saw a crowd together, amounting to about a dozen men, in the Virginia regiment, on the night of the 15th of August; they said they would make him (Colonel Paine) knock under to them. Then they went into the North Carolina camp, and passed into the street of Company A, in the direction of the parade ground.

I went into my tent. This was fifteen or twenty minutes before the pistol was fired. They cursed Colonel Paine a good deal.

Question by Colonel Paine. Did you hear anything said in the crowd of which you spoke about tearing down Colonel Paine's tent?

Answer. Yes; they said they would tear down Colonel Paine's tent, and make him yield to it.

Question by Lieutenant Singletery. Were there any North Carolinians in the crowd you saw?

Answer. None that I saw.

Question by Lieutenant Singletery. Did you consider these remarks the expression of a fixed determination, or as mere idle talk?

Answer. I thought they were joking until the fuss was raised.

Question by Colonel Paine. Had you heard any threats made against Colonel Paine before the night on which you saw the crowd?

Answer. Yes; I have heard lots of threats before.

Question by Lieutenant Singletery. Did those persons from whom you heard the threats say for what reasons they entertained such feelings towards Colonel Paine, and to what regiment did they belong?

Answer. They belonged to the Virginia regiment. I never knew for what cause they had such feelings towards Colonel Paine.

Question by Lieutenant Singletery. Did you ever understand for what reasons the Virginians disliked Colonel Paine?

Answer. No.

Charles Benton, a private of company I, North Carolina regiment, was here called at the request of Colonel Paine, and duly sworn.

Question by Colonel Paine. Will you state, if you know, of any stones having been thrown at Colonel Paine's tent, on the night of the 15th of August last, before the pistol was fired in the camp of the North Carolina regiment?

Answer. Yes. Before Colonel Paine went out of his tent, there was one stone thrown against it. It fell on it; and, after he left, there were some four or five pretty large stones thrown against the tent, which would have went into it, but that I had tightened up the door. After that, the Virginians began to pass round the tent, and said they would go and take the damned old son of a bitch out of his tent and murder him. I heard Colonel Paine halloo to them to halt. He ordered them to halt three times, and then told them, if they did not halt, he would fire on them. They told him to fire, God damn him, and the colonel then fired. I saw a Mississippian with his rifle; he carried it under his coat for two days after the 15th. I heard a good many say that he carried it for the purpose of shooting Colonel Paine. I do not know the name of the Mississippian.

The court adjourned to meet at 10 o'clock, a. m., to-morrow.

THIRTY-FIRST DAY.

SALTILLO, MEXICO,
Wednesday, March 1, 1848.

The court met pursuant to adjournment.

Present: All the members and the judge advocate, recorder.

Lieutenant and Adjutant T. B. Whittaker appeared before the court, and requested that he be permitted to make a statement in connexion with the letters marked O and P, which was acceded to by the court.

When I asked the court yesterday for time to make a statement in relation to the letter written by me to Lieutenant Singletery, at Buena Vista, bearing date 17th of August, 1847, and, while I was sergeant, I thought it might become necessary, in justification of myself, to make a full and thorough defence. After reflecting, however, upon the matter, I have concluded merely to state some of the reasons which induced me to write that article, and let it pass for what it may be worth. I was aware that this letter would be presented to the court, having been previously threatened with it by Lieutenant Singletery, but I was not prepared to find the very infamous language about Colonel Paine which it contained; still, I was not surprised; for, having been very intimately connected with, and a great portion of my time being spent in the presence of Lieutenant Singletery, and having heard him repeatedly represent Colonel Paine as being the most tyrannical and overbearing man in existence, I was persuaded that such indeed was the fact. I was told by Lieutenant Singletery that the reason Colonel Paine did not order an election to fill the vacancy then existing in company H, and which it was understood I was to fill was, because he (Lieutenant Singletery) had asked for it; and, by so doing, he might confer a favor upon him; I was quite anxious to be promoted; and, after learning this from Lieutenant Singletery, at once became enraged against Colonel Paine, and entertained, as I stated in my evidence, the most "bitter feeling" towards him; and, for that very reason, as is fully shown in the manner in which I signed my name to that paper, I soon discovered that I had been misled; that I had embraced mistaken notions about these matters, and took the earliest opportunity possible to make the amende honorable. I regret the necessity that has arisen for troubling the court with this statement, and will only say, in conclusion, that, when the letter in question was written, I was in the most violent passion, and penned it in a spirit of revenge towards Colonel Paine, for doing that injustice to me which I had been induced by Lieutenant Singletery to believe he had done me. I wrote it with the determination of using the harshest language I could think of, regardless of justice, knowing it would be pleasing to Lieutenant Singletery. However much my testimony to the court and the letter may conflict, I have given, in my evidence, a correct account of all that transpired in the camp at Buena Vista during the mutiny of the 15th of August last, as far as I know.

Question by Lieutenant Singletery. How soon did you discover that you had been misled in your opinion of Colonel Paine?

Answer. I commenced writing counteracting letters to those I had formerly written about six weeks after the date of my letter to him.

Question by Lieutenant Singletery. When did you receive the appointment of adjutant to the North Carolina regiment?

Answer. The 26th of October last.

Question by Colonel Paine. Will you state the conversation between yourself and Colonel Paine, at the time you were appointed adjutant of the North Carolina regiment?

Answer. I was sent for by Colonel Paine, on the 25th of October last, and told by him that he had sent for me for the purpose of having a talk with me about the adjutancy. I told him I did not want the appointment. He said he had not called me there for the purpose of asking whether I wanted it; but, in making the appointment, he would consult the interest of the regiment alone.

Question by Colonel Paine. Will you state whether I ever spoke to you about the occurrence in the camp of the North Carolina regiment, on the 15th of August last, or if you have any reason to suppose that I knew anything about those occurrences before you were appointed adjutant of the regiment?

Answer. You never did speak to me about those occurrences, and I have no reason to believe that Colonel Paine was informed of my knowledge.

Question by Colonel Paine. Will you state whether you did or did not communicate your knowledge of the occurrences of the 15th of August last to any other person than Colonel Paine, before the latter called on you for information as to such knowledge on your part?

Answer. I do not think I ever did communicate it to any person at all.

Question by Colonel Paine. Will you state who was present when you communicated you knowledge of the occurrences of the night of the 15th of August last to Colonel Paine?

Answer. I don't think any one was present.

Question by Colonel Paine. Do you remember whether Lieutenant Bowen was or was not present, at the conversation alluded to in the former question?

Answer. I remember to have had a conversation with Lieutenant Bowen, in which I spoke very freely about this matter to him, in the office of Colonel Paine. I do not remember that anybody else was present.

Question by Colonel Paine. Have you observed any change in the feelings of any of the officers of the North Carolina regiment towards Colonel Paine, since the return of Lieutenants Pender and Singletery to the regiment?

Answer. The officers of the regiment spoke very highly of Colonel Paine, with but one exception, up to the time of their return; since then I have heard these same officers make use of very abusive and profane language in speaking of Colonel Paine.

Question by Colonel Paine. Have you known an instance, since you have been adjutant of the North Carolina regiment, where an officer has been arrested, except for neglect of duty, or disobedience of orders?

Answer. I have not.

Question by Colonel Paine. Will you state whether you did or did not receive orders from Colonel Paine to proceed to his camp, at Arispa's mills, on business, on Sunday last, and what occurred there?

Answer. I did receive such orders, and proceeded to camp at Arispa's mills, with two Mexicans in charge, for the purpose of identifying any of the soldiers who had left camp the night before, and visited a fandango. I ordered the companies to turn out, and passed in front of the companies with these Mexicans, that they might point out such men as they knew to have been at the fandango. Before I left the camp, Lieutenants Nash and Singletery were trying to induce the Mexicans to drink. I told them the Mexicans should not drink. Lieutenant Singletery replied that, if they wished to, he would be damned if they should not drink. I told him the Mexicans were my prisoners, and I would see they did not drink. Lieutenant Nash then remarked, that, if he had known my business there, his company should not have turned out. Lieutenant Singletery said, "nor mine." Lieutenant Nash turned round to the men and told his company, D, to consider themselves as not having been inspected. I then brought the Mexicans directly to town.

Question by Lieutenant Singletery. Had you never entertained any bitter feelings towards Colonel Paine, before the election spoken of was expected in company H?

Answer. I do not think I ever had.

Question by Lieutenant Singletery. For what reason were you unwilling to accept the appointment of adjutant?

Answer. The men whom I brought with me objected to the separation.

Question by Lieutenant Singletery. Please name the officers of the North Carolina regiment in whose feelings you have noticed a change, since the return of Lieutenant Pender and myself.

Answer. Lieutenants Nichols and Nash.

Question by Lieutenant Pender. Have you any reason to believe that anything on my part, since my return to the regiment, has been in any manner subversive of strict military order?

Answer. I have no reason to believe so.

Here Major Stokes, North Carolina volunteers, was recalled, at at the request of Lieutenant Singletery.

Question by Lieutenant Singletery. Do you or not consider that the company officers of the North Carolina regiment did all that was in their power in support of Colonel Paine, on the night of the 15th of August last?

They all turned out very promptly, and remained with their companies until they were dismissed; after that I saw no more of

the officers on that night. So far as my observation extended, I believe the company officers did all in their power to support Colonel Paine. I mean after the regiment was turned out under arms by Colonel Paine's order. Previous to that, however, I do not think they did do all in their power to support Colonel Paine, or the intruders into the camp might have been kept out.

Question by Lieutenant Singletery. From the position of my company, did I have an opportunity of observing the disturbances in camp previous to the firing of the pistol?

Answer. If you were in your company quarters, you would not have had an opportunity.

Question by Lieutenant Singletery. Do you or not consider that the company officers of the North Carolina regiment have ever failed to give Colonel Paine all the support in their power in the discipline of the regiment?

Answer. I have never observed any particular neglect on their part.

Question by Lieutenant Singletery. Did you see me after the pistol was fired in the North Carolina camp, on the night of the 15th of August last, and what was I doing?

Answer. I saw you immediately after the firing of the pistol in your company street forming your company.

Question by Colonel Paine. Do you consider the disturbances occurring in the camp of the North Carolina regiment, on the night of the 15th of August last, as amounting to a mutiny or not?

Answer. I do not consider there was a mutiny at that time. I had been confined, for several weeks previous, to my bed, and also was confined at that time. I had not an opportunity of knowing the state of feeling in the regiment.

Question by Lieutenant Pender. Were you or not in the quartermaster's tent on the night of the 15th of August, a short time previous to the firing of the pistol, and do you remember if I was there at the time?

Answer. I was there, lying on the bed, I think, of the quartermaster, in his tent, when the pistol was fired. I think Lieutenant Pender was there; I am not positive.

Question by Lieutenant Singletery. Have you observed any improper familiarity between the non-commissioned officers of my company and myself; and what has been my course in this respect?

Answer. I have not observed any improper familiarity between Lieutenant Singletery and the non-commissioned officers of his company. He has been under my immediate command the greater portion of the time the regiment has been in Mexico. His conduct has been correct and officer-like in this respect.

Question by the court. Do you or not think the disturbances which occurred in the camp of the North Carolina regiment, the night of the 15th of August, were of a mutinous or violent character?

Answer. I think they were of a mutinous character.

Question by the court. Are you of opinion that the company

officers of the North Carolina regiment gave to Colonel Paine a proper support on the night of the 14th of August, and what was your opinion of their conduct on that occasion?

Answer. I am unable to answer the question. I know nothing of the occurrences of that night, being sick in my bed at that time.

Question by Lieutenant Singletery. Do you think there was any act of a mutinous character among the men of the North Carolina regiment on the night of the 15th of August?

Answer. Not that I know of from my personal observation.

Question by Lieutenant Pender. Is it or not your opinion that there would have been any disturbance in the North Carolina camp, on the 14th or 15th of August, had it not been for the other regiments of the brigade?

Answer. I think there would not have been any disturbance had it not been for men of other regiments in the brigade.

Here second lieutenant Robert M. Wiley, company F, North Carolina regiment, was called, at the request of Lieutenant Singletery, and duly sworn.

Question by Lieutenant Singletery. Did you hear any conversation between the adjutant and myself, on the night of the 14th of August last, concerning a guard called for by Colonel Paine, and if so, where and what was it?

Answer. Yes; I did. It was shortly after the discharge of the pistol that the adjutant came down the line to order out the companies. I was in the company street at the time, forming the company into line. I asked the adjutant, as he passed, where he wanted the company? and thinking he had not heard me, I pursued him to ascertain. I overtook him, and found him in company with Lieutenant Singletery. During the time I was with him, Lieutenant Singletery asked him if the Colonel wanted that guard from his company? He replied, he supposed not, as the whole regiment was turned out, but would ask when he went back.

Question by Lieutenant Singletery. Were you present, and do you think that any unnecessary hardship was imposed on the men during the march from the Brassos to Camargo?

Answer. I was present, and think there was. I thought the men were imposed on by having to carry their knapsacks through the march.

Question by Lieutenant Singletery. Were not the men very much enfeebled by sea sickness when they commenced the march, and was not the heat very oppressive?

Answer. Yes.

Question by Lieutenant Singletery. Did not the men throw away their blankets and overcoats to lighten their knapsacks, and were they not still frequently breaking down on the road?

Answer. Yes.

Question by Lieutenant Singletery. Do you or not consider that Colonel Paine has been overbearing and tyrannical in his conduct towards the officers and men of his regiment?

Answer. I do think that he has been overbearing.

Question by Colonel Paine. Did you on the march speak to any one of the hardships which you say were imposed on the men on the march from the Brassos to Camargo?

Answer. Yes.

Question by Colonel Paine. To whom did you speak on the subject?

Answer. I spoke to Captain Buck, the adjutant at that time.

Question by Colonel Paine. On what part of the march, from the Brassos to Camargo, were the mens' overcoats and blankets lost?

Answer. They commenced throwing them away at the mouth of the river. On the second and third day, I think, more were thrown away.

Question by Colonel Paine. How do you know that the men threw away their blankets and overcoats at the Brassos?

Answer. I saw them throwing them away.

Question by Colonel Paine. To what company of the North Carolina regiment did you belong on the march from the Brassos to Camargo, and how many men of your company threw away their blankets and overcoats?

Answer. I belonged to company F. I do not know how many men threw away their blankets. I recollect some two or three doing so. The captain remarked to them, at the time, they would want them before they got them again.

Question by Colonel Paine. To what companies of the regiment did the men chiefly belong who threw away their blankets and overcoats?

Answer. I cannot say to what companies they chiefly belonged. I suppose they belonged to all the companies.

Question by Colonel Paine. In what part of the command were you on the march from the Brassos to Camargo?

Answer. Sometimes in the rear and sometimes in front of the column.

Question by Colonel Paine. Were you at any time during the march from the Brassos to Camargo, in command of the advance guard; and if so, did the whole guard at any time continue the day's march on foot?

Answer. I was several times in the command of the advance guard. I do not recollect a day during which the whole guard marched on foot the entire day; on one day, however, there was but one man who gave out.

Question by Colonel Paine. How many men in the command marched on foot the whole distance from the Brassos to Camargo?

Answer. I knew of but three.

Question by Colonel Paine. What became of the men on the march when they gave out, as you say?

Answer. They got into the wagons.

Question by Colonel Paine. Do you remember how many men of the command rode on horseback on the march from the Brassos to Camargo?

Answer. I do not recollect the exact number; I think there were

sixty men mounted daily. There might have been more; I do not recollect.

Question by Lieutenant Singletery. Have you any reason to believe there was any understanding between the men of the Virginia and North Carolina regiments, in connexion with the disturbances of the 14th and 15th of August?

Answer. I have not.

Question by Lieutenant Singletery. Was it the adjutant's repeated instructions to the company officers, that the men must all walk and carry their knapsacks as long as they could possibly do so?

Answer. The adjutant instructed them that the men must carry them as long as they could do so, and when they became unable, they might put them in the wagons.

Question by Lieutenant Singletery. Were there any men mounted before the command left Matamoras, and were they furnished with saddles?

Answer. I do not think any were mounted before we got to Matamoras. They were not all furnished with saddles, and I am not sure any were.

Question by Lieutenant Singletery. Was Colonel Paine, in your opinion, respectful to the officers on drill at Buena Vista, and what was his conduct in this respect?

Answer. I thought his conduct on drill frequently very harsh.

Question by Lieutenant Singletery. Did you notice any change in the conduct and discipline of Colonel Paine, after the 16th of August last, and was he severe or less strict?

Answer. I thought there was a change; I thought he was as strict in enforcing obedience to his orders, but that his language was less harsh.

Question by Lieutenant Singletery. What has been Lieutenant Singletery's conduct since his return to the regiment?

Answer. I think he has been as attentive to his duties as he could be.

Question by Lieutenant Singletery. Did, or did not, Colonel Paine allow the men many liberties after the 16th August, which had not been allowed before?

Answer. Yes, he did; the men were allowed to leave camp oftener than before. This was after the camp was removed from Buena Vista to Arispa's Mills.

Question by Lieutenant Singletery. Do you know of any men being allowed to visit Saltillo, while the regiment was at Buena Vista, except on business?

Answer. I do not.

Question by Lieutenant Pender. Did not most of the officers own horses, and were they not mounted on their arrival at Walnut Springs, when the regiment was on its march to Buena Vista?

Answer. Yes, I think so.

Question by Lieutenant Pender. Did, or did not, Lieutenant

Pender own the horse he rode on that occasion, or was he furnished by the quartermaster?

Answer. I think he did.

Question by Lieutenant Pender. Were, or not, you and Lieutenant Mitchell mounted, and was not Lieutenant Pender then in command of his company, "A?"

Answer. I do not recollect; I was not on duty from the time I left Cerralvo till I got to Walnut Springs; but I think Lieutenant Pender was in command of the company; I think Lieutenant Mitchell was mounted.

Question by Lieutenant Pender. What is Lieutenant Pender's character as an officer and disciplinarian in the regiment?

Answer. He has always been considered a good officer in the regiment.

Question by Colonel Paine. Were you frequently on duty at Buena Vista, or not?

Answer. I was.

Question by Colonel Paine. Do you, or not, know that orders regulating the brigade, while at Buena Vista, emanated from the commanding general?

Answer. I knew they did.

Question by Colonel Paine. Have you ever known Colonel Paine permit any one, under his command, to violate any orders issued for the government of the regiment?

Answer. I do not know that I have.

Question by Colonel Paine. How often did Colonel Paine visit Saltillo, while he was encamped at Buena Vista?

Answer. I do not know that he ever visited it while we were there.

Question by Colonel Paine. Can you name any instance of a soldier being permitted to visit Saltillo, while the regiment was at Arispa's Mills, unless he went on business; and, if so, state the occasion on which he was allowed to go?

Answer. There were several men permitted to go to town for appearing well on inspection; I don't know whether they had any business there.

Question by Colonel Paine. Has, or has not, Colonel Paine strictly prohibited, amongst the officers and soldiers of his regiment, all gambling and card playing while *in camp?*

Answer. He has.

Question by Colonel Paine. How often have you known Lieutenant Singletery absent at night from the camp, at Arispa's Mills, since his return to the regiment?

Answer. I have known him but once absent.

Question by Colonel Paine. How often have you known Lieutenant Singletery engage at playing cards while in the camp of the North Carolina regiment, at Arispa's Mills, since his return to the regiment?

Answer. I have known him engage in some two or three games of whist since his return; I think this is all; I do not recollect any more at present.

Question by Colonel Paine. Was Lieutenant Singletery, at the times you spoke of in your answer to the last question, playing at cards in his own tent?

Answer. At one time he was; I only recollect once.

Question by Lieutenant Singletery. On the occasion when Lieutenant Singletery was absent from camp, at night, do you, or do you not, know that he had permission from Major Stokes?

Answer. I knew he had.

Question by the court. How many miles per day were you marched from the Brassos to Camargo?

Answer. I think from 8 to 15 miles.

Question by the court. When you saw the men throwing away their blankets and overcoats, as you have stated, did you attempt to prevent it; and, if so, were your efforts successful; and, if not successful, what more did you do to prevent the waste of clothing?

Answer. I told the men they had better take care of their clothing, which was all I did.

Question by the court. Do you, or not, consider that Colonel Paine, in the command of his regiment, has been influenced solely by a wish to promote the good of it?

Answer. I suppose he has been.

Question by the court. Do you believe the loss of the blankets and overcoats, on the march, came to the knowledge of Colonel Paine?

Answer. I do not see how he could have avoided this knowledge.

Question by the court. Did you report to him, or did you know of any officers having reported to him of their loss?

Answer. I did not, and I do not know of any other officer having done so.

A paper was presented to the court by Lieutenant Singletery, who requested it might be appended to the record. The paper was read to the court by the judge advocate.

Captain William P. Graves, commissary of subsistence, U. S. A., called, at the request of Lieutenant Singletery, to verify the signatures to the paper, being duly sworn, testifies: "All the signatures to the paper, except those of Captains Tipton and Roberts, were signed to the paper in my presence, and, with the exception of Captain Roberts's name, are in the handwritings of the persons they purport to be signed by.

The court then ordered it to be appended to the record, marked "R."

Question by Lieutenant Singletery. Do you, or not, consider that the conduct of Colonel Paine towards the officers and men of the North Carolina regiment has been overbearing and disrespectful?

Answer. I do.

Question by Lieutenant Pender. In what capacity were you acting when I was arrested at the Walnut Springs, for not reporting to the colonel depredations committed on the cornfields by persons of the train?

Answer. I was first sergeant of company F.

Question by Lieutenant Pender. Who was in command of F company, on our arrival at the Walnut Springs?

Answer. I think Lieutenant Wiley was; I am not certain.

Question by Lieutenant Pender. What lieutenants were along with F company?

Answer. Lieutenants Wiley and Mitchell.

Question by Lieutenant Pender. Was not Lieutenant Mitchell mounted?

Answer. I think he was.

Question by Lieutenant Pender. Were not most of the officers mounted?

Answer. A good many of them were; I do not know whether or not the majority.

Question by Lieutenant Pender. Was the horse I rode my own property, or was he furnished me by the quartermaster?

Answer. He was not furnished by the quartermaster; I believe he belonged to Lieutenant Pender; I know he sold him after we arrived at Buena Vista.

Sergeant Jacob Fox, company A, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you, or not, ever hear Colonel Paine say any thing about having Lieutenant Singletery dishonorably discharged from the service, and if so, state all you know about it?

Answer. I was in the adjutant's tent some time either the last of July, or 1st of August, (I know Lieutenant Singletery was in arrest at the time,) with Adjutant Buck. Colonel Paine came out of his tent and asked the adjutant if he had carried Lieutenant Singletery his sword; the adjutant told him he had, and that Lieutenant Singletery refused to take it. The colonel then asked the adjutant why did Lieutenant Singletery refuse to do it. The adjutant then told the colonel that Lieutenant Singletery had been over to see General Wool, and that Lieutenant Singletery said he would rather have charges preferred against him than receive his sword. Colonel Paine then asked the adjutant how Lieutenant Singletery came to go there, and the reply of the adjutant was, that Lieutenant Singletery had written a note to General Wool, and that General Wool had sent after him. The colonel then said to the adjutant that if Lieutenant Singletery chose to cut up such capers, or swells, as that, he might go home, or he would send him home, I do not remember which, dishonorably.

Sergeant Joseph Hardie, H company, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Were you, or not, detailed to act as sergeant of the guard at Colonel Paine's tent, on the night of the 15th of August last, and if so, state all that occurred in connexion with the matter?

Answer. I was so detailed. I told the orderly sergeant of the

company that I was unable to do duty. He then went away and returned soon after with the surgeon. The surgeon said he had been sent by the colonel to examine me, and the sergeant told me to get up, and I got up and went to the tent door. The surgeon felt my pulse, asked me what was the matter, and I told him. He and the orderly sergeant then left.

Question by Lieutenant Singletery. Had you or not been unwell during that day, and how long was it afterwards before you were put on duty?

Answer. I had been unwell all that day and felt worse that night. I was not again put on duty till the company arrived at the heights of Saltillo, I think two or three days, but I do not recollect exactly.

Question by Lieutenant Singletery. After the surgeon left you, was anything more said to you about standing guard at the colonel's tent?

Answer. No.

Question by Lieutenant Singletery. Was there or not ever any familiarity between Lieutenant Singletery and the non-commissioned officers of his company?

Answer. No.

Question by Lieutenant Singletery. Did you or not, while at Buena Vista, or at any time previous to the 16th of August last, ever hear Lieutenant Singletery say anything in abuse or disparagement of Colonel Paine?

Answer. No, I never did.

Question by Colonel Paine. Did you or did you not turn out with company H, under arms, on the night of the 15th of August last, when the companies of the regiment were ordered out?

Answer. Yes, I did.

Question by Colonel Paine. Are you positively certain that you were not put on duty until your company moved to the heights of Saltillo?

Answer. Yes.

Question by Colonel Paine. When did your company H move from Buena Vista, and to what place did it march; and did you or not march to the new encampment?

Answer. After leaving Buena Vista we marched about half way to Arispa's mills, perhaps two miles, and then halted and encamped for the night, and the next day marched to Arispa's mills, about two miles further, and encamped.

Question by Colonel Paine. With what part of the command did you march to the first camp after leaving Buena Vista, and how long were you making the march?

Answer. I started with the company but did not get there with it; I think I was two or three hours on the way; I do not recollect exactly, but I know I walked very slowly.

Question by Colonel Paine. About what time of day did you reach the first camp?

Answer. I do not now recollect.

Question by Lieutenant Singletery. Did you or not on the march

to Arispa's mills lag behind the rest of the command from weakness and indisposition?

Answer. Yes.

Question by Lieutenant Singletery. Was there ever any "stampede" or call for the men to turn out, when the men of company H, including some who were very ill, failed to turn out?

Answer. No, I never saw it the case.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

—

THIRTY-SECOND DAY.

Saltillo, Mexico,
Thursday, March 2, 1848.

The court met pursuant to adjournment. Present, all the members and the judge advocate, recorder.

Second Lieutenant S. T. Nicholls, North Carolina regiment, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you or not hear Colonel Paine give any order to Lieutenant Singletery on the night of the 15th of August concerning a guard to be detailed from his company H, and if so, what was that order?

Answer. I was in Captain Kirkpatrick's tent, I suppose about 8 or 9 o'clock on that night, in company with Lieutenant Singletery and several other officers, when Colonel Paine came to the tent door. Captain Kirpatrick asked who was there, and as no answer was returned he said he would see who it was, and got up and went to the tent door; saw that it was the colonel, and invited him in. He replied that he did not care about coming in. Colonel Paine then remarked to Lieutenant Singletery that he wanted twenty men from his company for a guard. Lieutenant Singletery started off in the direction of his quarters, and turned to Colonel Paine and asked him if he should bring the men himself. Colonel Paine told him he need not bring the men himself, but send them by a non-commissioned officer. Colonel Paine then went down the street towards the right and Lieutenant Singletery towards his tent. I immediately after left Captain Kirpatrick's tent and went up to the second tent towards the left, I think one of the officers' tents of F company. I went into the tent, sat down, and commenced reading a newspaper. Immediately afterwards Adjutant Singelton came into the tent and remarked that there would be a difficulty in camp, as the Virginians were coming into the camp of the North Caroli, nians, and if they did not mind some of them would get killed. I remarked to him that I did not suppose there would be any difficulty in camp. Some little conversation passed after that; I do not recollect what.

While we were talking a pistol fired, and immediately afterwards I heard a man hallooing that he was shot, and some person calling upon the companies to turn out; the adjutant and myself then left

the tent, the adjutant going down towards the right flank; I remained in the street a short time, and then went down to my own (D) company's street; after remaining there for a short time, I went up to Lieutenant Singletery's tent again—found him sitting in front of his tent—his company under arms in the street of the company; shortly afterwards the adjutant gave orders to dismiss the companies; I then retired to my tent.

Question by Lieutenant Singletery. How long was it before the pistol was fired that Colonel Paine gave this order to Lieutenant Singletery?

Answer. It could not have been more than five minutes.

Question by Lieutenant Singletery. Did you hear a conversation between the adjutant and Lieutenant Singletery, concerning the guard that Colonel Paine had called for?

Answer. I do not recollect hearing such a conversation.

Question by Lieutenant Singletery. Has or has not Lieutenant Singletery, since his return to the regiment, endeavored to influence your feelings towards Colonel Paine?

Answer. He has not.

Question by Lieutenant Singletery. Did you observe any neglect or delay on the part of any officer on the night of the 15th of August?

Answer. I did not.

Question by Colonel Paine. Are you certain that it was into the tent of an officer in company F that you went, after you say Colonel Paine gave the order to Lieutenant Singletery to bring the twenty men for a guard?

Answer. I am.

Question by Colonel Paine. Did any other officer go into the tent in F company, in which you were, besides Adjutant Singleton, while you were there?

Answer. No, not that I recollect.

Question by Colonel Paine. Do you remember what paper you were reading when the adjutant came into the tent in which you say you had gone?

Answer. No, I do not.

Question by Colonel Paine. Are you certain you were reading a paper when the adjutant came into the tent and commenced the conversation with yon?

Answer. I am.

Question by Colonel Paine. How long after the order for the companies to turn out was it before you saw any company formed on its company parade?

Answer. The companies turned out immediately, as quickly as they could—not more than a minute; they formed as soon as they could.

Question by Colonel Paine. After Lieutenant Singletery had received the order for the twenty men, as you have stated, did you see him again until you went down to his tent, as you said, when his company was under arms?

Answer. I did not.

Question by Lieutenant Singletery. Did you or not ever see any companies form under arms as rapidly as the companies of the North Carolina regiment, on the night of the 15th of August last?

Answer. They formed as rapidly as they could.

Question by Lieutenant Singletery. Do you believe there would have been any difficulty in the North Carolina camp, on the nights of the 14th and 15th of August last, but for the men of other regiments—and do you or not believe that any members of the North Carolina regiment were aware of the intentions of the Virginians to raise a disturbance in the camp on those occasions?

Answer. I do not believe there would have been any difficulty, but for the men of the other regiments; I do not believe the members of the North Carolina regiment were aware of the intentions of the Virginians.

Second Lieutenant D. H. Black, North Carolina regiment, recalled at the request of Lieutenant Singletery:

Question by Lieutenant Singletery. Were you present, and do you or not consider that any unnecessary hardship was imposed on the men of the command which marched with Colonel Paine from the Brassos to Camargo, and if so, in what did it consist?

Answer. I was at the time a sergeant of company H, and marched from the Brassos to Camargo under Colonel Paine; the men were made to carry their knapsacks and march all the way; every man considered it a hardship to carry his knapsack and march.

Question by Lieutenant Singletery. Were not the men very much enfeebled by sea sickness at the commencement of the march—was or was not the heat very oppressive, and did or did not many of them throw away their overcoats and blankets?

Answer. I believe the men were very much enfeebled by sea sickness—the heat was very oppressive, and the men generally of the command threw away their clothing; I threw away some clothing (shirts) I had brought from home, and a blanket, at the mouth of the river.

Question by Lieutenant Singletery. What were the adjutant's instructions to the company officers, on the march to Camargo, in relation to the carrying of knapsacks?

Answer. I have frequently on that march heard the adjutant direct the company officers to have the men carry their knapsacks if it were possible, and if it was not possible for them to do so, their knapsacks would have to be put in wagons.

Question by Lieutenant Singletery. Did you or not, while a non-commissioned officer of company H, hear Lieutenant Singletery say anything in abuse or disparagement of Colonel Paine?

Answer. I did not.

Question by Lieutenant Singletery. What was the order you gave to Sergeant Whittaker concerning the detail of a non-commissioned officer from company H, on the night of the 15th of August last?

Answer. I did not give Sergeant Whittaker any order on that night to detail a non-commissioned officer. Colonel Paine directed me to make the detail myself.

Question by Lieutenant Singletery. Did Sergeant Whittaker ever say anything to you about a letter to General Taylor, dated August 7, 1847, preferring charges against Colonel Paine, and when did you first hear of that letter?

Answer. Sergeant Whittaker never named it to me, to my recollection. The first time I ever heard of it, I saw it published.

Question by Lieutenant Singletery. Are you confident that Sergeant Whittaker never spoke to you of that letter?

Answer. I repeat that I have no recollection that Sergeant Whittaker ever spoke to me of the letter, therefore I am confident he never did.

Question by Colonel Paine. Are you confident you never heard of the letter to General Taylor before you saw it published?

Answer. I am.

Question by Colonel Paine. How many men of H company, and what men, threw away their overcoats and blankets, on the march from the Brassos to Camargo?

Answer. I do not know. I cannot name any one who threw away his blanket or overcoat, except myself, and I threw away my blanket at the mouth of the river.

Question by Colonel Paine. How many blankets had you, on arriving at the Brassos?

Answer. I had but one.

Question by Colonel Paine. When did you get a blanket after you threw away the one at the mouth of the river, and where did you obtain it?

Answer. I got one at Camargo.

Question by Colonel Paine. At what time did you obtain the blanket at Camargo, and from whom did you obtain it?

Answer. I do not recollect the date at which I got it. I think we had been in Camargo four or five days before I got it. I obtained it from Corporal Gorman.

Question by Colonel Paine. Had you no night covering on arriving at Camargo, until you obtained the blanket from Corporal Gorman?

Answer. I had two overcoats.

Question by Colonel Paine. How many days on the march from the Brassos to Camargo did you march on foot during the whole day's march?

Answer. When I was on the mounted guard I rode, when I was not, I walked all the day's march. I never rode in the wagons.

Question by Colonel Paine. How many men of H company marched on foot the whole way from the Brassos to Camargo?

Answer. I do not know that any marched afoot all the way; in fact, I feel confident that none so marched all the way.

Question by Colonel Paine. Do you know of any man of H company, who carried his knapsack during the entire march from the Brassos to Camargo, while not one of the mounted guard?

Answer. No. I do not know any one that carried his knapsack, during the entire march while on foot, except myself; when the men were unable to carry their knapsacks they were allowed to put them in the wagons.

Question by Colonel Paine. How many days did you carry your knapsack during the march from the Brassos to Camargo?

Answer. I do not recollect how many days.

Question by Colonel Paine. Will you state what clothing you had in your knapsack during the time you carried it on the march from the Brassos to Camargo?

Answer. I had but very little, as I had thrown some away, knowing I would have to carry it.

Question by Colonel Paine. Will you state what clothing you recollect was in your knapsack at the time mentioned in the last question?

Answer. I had four shirts, one coat, and two pairs of pantaloons; that is all I can recollect. I think I had thrown away three shirts.

Question by Colonel Paine. Where did you carry your two overcoats, during the march?

Answer. I carried one of my overcoats sometimes on, and sometimes in my knapsack; the other in a waggon. It was only one or two days before reaching Camargo that I obtained the second overcoat; some one had left it, and I picked it up.

Question by Lieutenant Singletery. Were not all the men on foot required to carry their knapsacks, until they were rendered unable by fatigue of the march to do so?

Answer. All the men were obliged to carry their knapsacks, unless disabled from any cause, when they were allowed to put them in the wagons.

Question by Lieutenant Singletery. How many men of the command threw away any of their clothing to your knowledge, and who were they?

Answer. A great many of the men of the command threw away more or less of their clothing.

Question by Colonel Paine. Where is Corporal Gorman, of whom you said you obtained a blanket at Camargo?

Answer. I do not know where he is; he has been discharged.

Question by the court. You state, "the men were made to carry their knapsacks and march all the way" which was a hardship, you considered; and you state afterwards that the men were allowed to put their knapsacks in the wagons, when unable to carry them, and that some of the men, in your belief, performed the entire march on foot; how do you explain this apparent contradiction?

Answer. I state in explanation that the men who were on the mounted guard did not carry their knapsacks, and when the men were not on that guard, and were disabled by fatigue, lameness, or sickness, they were permitted to put their knapsacks in the wagons and to get into the wagons themselves; and when able, they were obliged to march and carry their knapsacks.

Question by the court. Was the clothing thrown away, of which you have spoken, necessary to a soldier, and part of his uniform; or was it superfluous, comparing it with the allowance to soldiers of the regular army?

Answer. As far as I know, clothing thrown away was citizens' clothing, except the blanket that I myself threw away.

Question by Colonel Paine. Do you remember any two non-commissioned officers of H company, who had been sick sometime previous to the 15th of August last, and continued sick during that time, and until some weeks afterwards?

Answer. I do remember two non-commissioned officers of that company, who had been sick sometime previous to that date, and remained sick sometime afterwards; their names are Champ, (a sergeant,) and Paschel, (a corporal.)

Question by Colonel Paine. Have you, or not, at the request of Colonel Paine, made diligent inquiry in company H for the sick book of company H, kept on the 15th of August last, and what was the result of your inquiry, and when did you last see the book?

Answer. I have inquired of the present orderly sergeant of the company; asked him this morning for the book. He told me the book had been filled out and had been thrown away; I last saw it some six or seven days ago.

Question by Colonel Paine. When did you cease to be a non-commissioned officer of H company, and when did you again join the company, and in what capacity?

Answer. I ceased to be a non-commissioned officer in the company the first day of August, 1847, and joined it again the 20th of August, as second lieutenant.

Question by Colonel Paine. Did you or not tell Adjutant Whittaker that some one was attempting to create a coolness between him and you, and tell him not to mind what he heard, or words to that effect?

Answer. I told him I supposed some one was attempting to create a coolness between him and myself, and I told him not to mind what he heard.

Question by Colonel Paine. Did you or not say to Adjutant Whittaker, that you had had a controversy with some one about him, or words to that effect?

Answer. I did.

Question by Colonel Paine. When did this controversy take place, of which you spoke to Adjutant Whittaker?

Answer. I do not recollect the date, but it was some two or three weeks ago.

Question by Colonel Paine. Will you state with whom you had the controversy about Adjutant Whittaker?

Answer. I think it was with Lieutenant Mitchell, I am not sure.

Question by Colonel Paine. Will you state to whom you alluded when you said that some one was attempting to create a coolness between you and Adjutant Whittaker?

Answer. I did not allude to any particular person; my reason for supposing that some one had attempted to create such a coolness arose from Lieutenant Whittaker's behavior towards me, which I thought manifested a coolness on his part, which I could not otherwise account for.

Question by Colonel Paine. When did the conversation, of

which you spoke in your answer to the fourth question before the last, take place with Adjutant Whittaker?

Answer. Some few days ago in Saltillo, since I have been in attendence upon this court.

Question by Lieutenant Singletery. In what manner has Lieutenant Singletery generally spoken of Adjutant Whittaker since his return to the regiment?

Answer. I have always heard him speak well of Adjutant Whittaker.

Sergeant N. M. Peoples, North Carolina regiment of volunteers, witness, called at the request of Lieutenant Singletery, duly sworn:

Question by Lieutenant Singletery. Did, or did not, Sergeant Whittaker call on you to act as non-commissioned officer of the guard at Colonel Paine's tent on the night of the 15th of August last?

Answer. He did not.

Question by Lieutenant Singletery. When Lieutenant Singletery directed you to copy the letter to General Taylor, dated August 7, did he or not impose on you any injunctions of secrecy.

Answer. He did.

Question by Lieutenant Singletery. Did you or not hear any conversation between Lieutenant Singletery and Orderly Sergeant Whittaker concerning a guard called for by Colonel Paine on the night of the 15th of August last, and, if so, when and what was it?

Answer. I heard him order Orderly Sergeant Whittaker to detail a guard on the night of the 15th of August last, for the colonel's tent; I was some feet off from them when the order was given, and, besides the order, I heard nothing of the conversation; but after the order had been given, and Lieutenant Singletery had turned away to go to his tent, I heard Sergeant Whittaker say "I don't care a damn whether the men turn out or not." I don't know whether or not Lieutenant Singletery heard this expression of Sergeant Whittaker; but I suppose not. Sergeant Whittaker then went on to say, that he did not believe that the colonel had a right to a private guard within the chain of sentinels or camp. That is all the conversation I remember to have occurred about the guard.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

THIRTY-THIRD DAY.

Saltillo, Mexico,
Friday, *March* 3, 1848.

The court met pursuant to adjournment; present, all the members, and the judge advocate, recorder.

Examination of Sergeant Peoples continued:

Witness desired to add something to his answer of yesterday.

"I omitted to state yesterday, that when Lieutenant Singletery turned away to go to his tent, after he had given Orderly Sergeant Whittaker the orders to detail the guard, that Lieutenant Singletery said to the sergeant, 'furnish, or detail the guard at all events,' or something of that sort."

Question by Lieutenant Singletery. Did you or not see Lieutenant Singletery when he first came up and spoke to Sergeant Whittaker, and are you or not confident that you heard all that was said by Lieutenant Singletery?

Answer. I saw Lieutenant Singletery when he first came up, and I think that I heard all the conversation that passed between him and the sergeant.

Question by Lieutenant Singletery. Did you or not ever hear Sergeant Whittaker say anything about Colonel Paine before the vacancy occurred in the commissioned officers of company H, by the resignation of Lieutenant Flanner.

Answer. I have, many a time.

Question by Lieutenant Singletery. When was the last time you heard Lieutenant Whittaker say anything abusive of Colonel Paine?

Answer. The last occasion, I recollect, occurred just after Lieutenant Singletery was discharged, and just about the time he was going home, and after Sergeant Whittaker had been elected a second lieutenant of the company. His remark was, that "if the company would go, he would follow Lieutenant Singletery home."

Question by Lieutenant Singletery. How long before Lieutenant Whittaker was appointed adjutant did you hear him say anything abusive of Colonel Paine?

Answer. I cannot express any time; I think I heard him use abusive language towards Colonel Paine almost every day up to the time of his being appointed adjutant.

Question by Colonel Paine. What direction did Lieutenant Singletery come, and where did he meet Sergeant Whittaker, when he gave the latter the order to detail the guard you spoke of?

Answer. I did not notice the direction he came from. He met Sergeant Whittaker within a few feet of me, just in front of my tent, the second tent from the company officers' tents, and on the left flank of the encampment.

Question by Colonel Paine. Who slept in your tent with you on the night of the 15th of August last?

Answer. Corporal Harding and private James Wilson, and, I think, private Joseph Crawford.

Question by Colonel Paine. Were you on battalion drill on the morning of the 16th of August, and the morning after the disturbance in the camp of the North Carolina regiment?

Answer. I was.

Question by Colonel Paine. Will you state what other non-commissioned officers of H company were present besides yourself at the battalion drill on the morning of the 16th August?

Answer. I cannot; I don't remember.

Question by Colonel Paine. Was, or was not, Sergeant Champ of (H) your company sick on the 16th of August last, and how

long had he been sick before that time, and how long did he continue sick afterwards?

Answer. I do not recollect whether he was sick at that time or not.

Question by Colonel Paine. Was any non-commissioned officer of your company (H) on guard with the brigade on the night of the 15th of August last?

Answer. I cannot remember.

Question by Colonel Paine. Where were you when company H was called out under arms on the night of the 15th of August last?

Answer. I was in my tent.

Question by Colonel Paine. Were you asleep, or not, before the pistol was fired in the camp on the night of the 15th of August last?

Answer. I was in my tent, but was not asleep; we had hardly got our clothing off preparatory to lying down for the night.

Question by Colonel Paine. Was Corporal Harding sick, or not, on the night of the 15th of August last, and did he go on battalion drill next morning?

Answer. I think he was sick on that night; but whether or not he went on battalion drill next morning I cannot say.

Question by Colonel Paine. Was the orderly sergeant, Whittaker, of your (H) company present on battalion drill on the morning of the 16th of August?

Answer. I cannot recollect.

Question by Colonel Paine. Do you remember whether, or not, an unusual number of non-commissioned officers and privates of H company were absent from battalion drill, or reported sick on the morning after the disturbance, in the camp of the North Carolina volunteers, on the night of the 15th of August last?

Answer. I do not remember.

Question by Colonel Paine. Was the abuse which you say Sergeant Whittaker so frequently indulged in against Colonel Paine made to you privately, or was it made openly and before the company?

Answer. While sergeant he made use of abusive language towards Colonel Paine, openly, both to me and the company.

Question by Colonel Paine. Where did you go on the night of the 15th of August last, after you heard Lieutenant Singletery give Sergeant Whittaker the order for the guard?

Answer. I did not go out of the company street.

Question by Colonel Paine. How long after you heard Lieutenant Singletery give the order for the guard before you went into your tent?

Answer. I do not recollect.

Question by the court. As the company clerk did you, or not, keep the records of the company and make out the morning reports and company returns?

Answer. I did that af er I got to Buena Vista, and I had done so before.

Question by the court. When Lieutenant Singletery directed you to copy the letter to General Taylor, what did he say to you?

Answer. He sent Sergeant Whittaker to tell me to come to his tent, that he wanted me to do some writing for him. I went to Lieutenant Singletery's tent, where I was shown a rough draft of a letter to General Taylor—by whom written I did not know, as no name was signed to it. Lieutenant Singletery told me he wanted me to copy it, which I did; and, after the copy was made, several officers came and signed it. Lieutenant Singletery told me I must not mention the contents of the letter to any one; that I must keep them secret. I was acting company clerk at the time.

Question by the court. Did you hear all the conversation that passed between Lieutenant Singletery and Sergeant Whittaker on the occasion of their meeting at the time referred to in your previous answer?

Answer. I was within a few feet of them at the time Lieutenant Singletery came up, and I think not a word passed between them that I did not hear.

Question by Colonel Paine. After you heard Lieutenant Singletery give the order to Sergeant Whittaker to furnish the guard, did you go into your tent, and did you, or not, leave your tent again that night; and if so, for what cause did you leave it?

Answer. I cannot remember whether I went into my tent or not after I heard the order given; but I know I was in my tent a minute or two before the pistol was fired.

Question by Colonel Paine. Did Lieutenant Singletery give to Sergeant Whittaker the order for the guard before or after the pistol was fired; and how long before or after that time?

Answer. I cannot recollect whether it was before or after; nor can I recollect what interval of time there was between the giving of the order and the firing of the pistol.

Question by Colonel Paine. How many men of your (H) company were out in the company street when Lieutenant Singletery gave the order for the detail of the guard to Sergeant Whittaker?

Answer. There were several groups, perhaps a third of the company; during those warm nights, the whole company was generally out until bed time.

Question by Colonel Paine. What man was standing by you and heard Lieutenant Singletery give Sergeant Whittaker the order for the guard?

Answer. Private Scarlet, of company H.

Question by the court. What did you do when the order was given for the company to turn out under arms?

Answer. I got up and put my clothes and accoutrements on, and turned out with the company.

Question by the court. How long was the company in getting under arms, and how long did it remain under arms?

Answer. It got out immediately, and remained under arms until the adjutant, Lieutenant Singleton, came and dismissed the company. Lieutenant Singletery was standing at the head of the company when dismissed.

Question by the court. What did you do when the company was dismissed?

Answer. I went to my tent; nothing else.

Question by the court. Were you out of your tent again that night?

Answer. I don't think I was.

Corporal Gabriel Holmes, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you, or not, hear Sergeant Whittaker say anything about a guard called for by Colonel Paine, from company H, on the nights of the 14th or 15th August; and, if so, what was it?

Answer. I heard Sergeant Whittaker ask for a guard, and he told me if I did not want to go I must feign sickness; this was on the next night after the man was shot. I am sure it was on the night after the man was shot.

Question by Lieutenant Singletery. Did you, or not, ever hear Sergeant Whittaker say anything to any one about a guard for Colonel Paine's tent; and, if so, when and what was it?

Answer. The guard I have just mentioned was intended for the colonel's tent; I was then a private; I do not recollect that he ever called upon me to stand guard at the colonel's tent but on one occasion. I heard Sergeant Whittaker, on the same occasion, advise other men not to go on guard; and, Private Manly having stood guard at the colonel's tent, I heard Sergeant Whittaker blame him for it, after he had come off guard.

Question by Lieutenant Singletery. Did you ever hear Lieutenant Whittaker say anything abusive of Colonel Paine; and, if so, how long before he was appointed adjutant.

Answer. I have heard him speak disrespectfully of Colonel Paine, after he was elected lieutenant, in connexion with the treatment Lieutenants Singletery and Pender had received.

Being interrogated, says: The last time I heard him speak of Colonel Paine was soon after the company was posted on the hill above Saltillo; this was not long after the disturbance in camp, at Buena Vista, about the wooden horse.

Question by Colonel Paine. Were you on battalion drill on the 16th of August last, the morning after the man was shot in the camp of the North Carolina volunteers?

Answer. I was on drill the day after the man was shot; but I do not recollect whether or not it was in the morning, nor whether it was battalion or company drill.

Question by Colonel Paine. Was there, or not, an unusual number of the privates or non-commissioned officers, of H company, absent from battalion drill on the morning after Bradley was shot in the North Carolina camp?

Answer. I think there were more than usual reported sick that morning; I am not certain.

Question by Colonel Paine. Where were you when the pistol was fired in camp, on the night of the 15th of August last?

Answer. The night Bradley was killed, I was in my tent when the pistol was fired.

Question by Colonel Paine. How long had you been in your tent on that night before the pistol was fired.

Answer. I was reading a paper, and just before the pistol was fired I had blown out my light; I do not recollect how long I had been in my tent.

Private Stephen Boyd, of company H, North Carolina volunteers, called at the request of Lieutenant Singletery, duly sworn.

The court took a recess till half past 2 o'clock, p. m.

Question by Lieutenant Singletery. Did you or not hear Sergeant Whittaker say anything about a guard called for by Colonel Paine, from company H, on the night of the 15th of August last; and if so, where, and what was it?

Answer. I heard him say in the company streets of H company, I think after tattoo on that night, that a guard was called for from the company to go to the colonel's tent, and he raised up his hand and said "he hoped to God Almighty that not a man would go, and that he should not force them to go, and that if he was a private, he would not go.

Question by Colonel Paine. Was it before or after first taps on the night of the 15th of August last, when you heard Sergeant (now adjutant) Whittaker make use of the expressions in relation to the guard you spoke of?

Answer. I do not recollect whether it was after or before.

Question by Colonel Paine. Are you certain whether the expressions used by Sergeant (now Adjutant) Whittaker in relation to the guard, was before or after tattoo on the night of the 15th of August last?

Answer. I am not certain whether it was before or afterwards, but, as well as I recollect, it was afterwards.

Question by Colonel Paine. Did you know or hear that a guard had been stationed or called for at Colonel Paine's tent, before you heard Sergeant (now Adjutant) Whittaker speak about the guard?

Answer. No, I did not.

Private Marsden Scarlet, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you or not hear any conversation between Lieutenant Singletery and Sergeant Whittaker, concerning a guard called for by Colonel Paine, from company H, on the night of the 15th of August last, and if so, state when and what it was?

Answer. I heard Lieutenant Singletery, when he came down the street, tell Sergeant Whittaker to detail a guard for the colonel, and this was on the night of the 15th of August last, I think. Before tattoo roll-call, I heard Sergeant Whittaker say something to

Lieutenant Singletery, but could not distinguish the words, and then I heard Lieutenant Singletery, as he turned off, say to him "nevertheless, detail the guard."

Question by Lieutenant Singletery. Did you, or not, hear Sergeant Whittaker say anything more that night about the guard of which you had spoken?

Answer. I heard him say that he would not blame the men if they would not go to stand guard around the wooden horse, and he would not go.

Question by Colonel Paine. Where were you at the time you heard the conversation between Lieutenant Singletery and Sergeant Whittaker, of which you spoke?

Answer. Standing in the company street.

Question by Colonel Paine. Where did you go after the conversation between Lieutenant Singletery and Sergeant Whittaker?

Answer. I went into my tent.

Question by Colonel Paine. Did you leave your tent afterwards, that night; and if so, state when you went, and where.

Answer. I do not recollect that I left it, except to go to roll-call, and when the company was ordered out under arms; will not be positive that roll-call occurred after I went into my tent.

Question by Colonel Paine. Did you, or not, state to any person, on the night of the 15th of August last, that you were going to join some persons?

Answer. No, I did not.

Question by Colonel Paine. Where were you, at battalion drill of the North Carolina regiment, on the morning of the 15th of August last?

Answer. I do not recollect; I was unwell, and did not go out on drill that morning.

Question by Colonel Paine. How long had you been sick prior to the 16th of August last?

Answer. I had been sick for a week or more, and had not been on duty.

Question by Colonel Paine. If you were sick, how came you to attend tattoo roll-call on the night of the 15th of August last?

Answer. Because it was required by the orderly sergeant of those who were sick but not in hospital.

Question by the court. Which was nearest to you when you heard Lieutenant Singletery give the order to Sergeant Whittaker for the guard, and the conversation occurred between Sergeant Whittaker and Lieutenant Singletery.

Answer. Sergeant Whittaker was next to me. I was standing about ten paces from him; Lieutenant Singletery was coming down the street.

Question by Lieutenant Singletery. Was, or was not, Sergeant Whittaker with his back to you?

Answer. He was standing with his back to me.

Question by Colonel Paine. How long did you keep on your accoutrements after tattoo roll-call, on the night of the 15th of August last?

Answer. I do not recollect how long.

Question by Colonel Paine. Did you stand at ordered arms, or with arms shouldered, during tattoo roll-call, on the night of the 15th of August last?

Answer. At ordered arms.

Question. With whom did you march when the North Carolina regiment moved its encampment from Buena Vista?

Answer. I marched with the company; do not recollect with what part of it.

Private A. B. Bordeaux, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you, or not, hear any conversation between Lieutenant Singletery and Sergeant Whittaker, concerning a guard called for by Colonel Paine, from company H, on the night of the 15th of August last; and if so, state when and what it was.

Answer. I heard Lieutenant Singletery, while standing about one-third of the way between his tent and the surgeon's tent, call Sergeant Whittaker, and tell him that he wanted him to detail a guard for the colonel's tent. The sergeant replied that he did not know whether the men would be willing to go, or not; and the lieutenant told him, nevertheless, to make out the detail. This was just before the pistol was fired, on the night of the 15th of August last; I do not know whether it was before, or after, tattoo.

Question by Lieutenant Singletery. Did you, or not, hear Sergeant Whittaker say any more about the guard you have spoken of that night; and if so, what did he say, and when was it?

Answer. As he walked down the street I heard him say, that if he was in the men's place he would not go to guard the colonel's tent, and that he was not going to send any of them; if any were of a mind to go, they might. This was said immediately after he left the lieutenant.

Question by Lieutenant Singletery. Do you, or not, remember that any of the men offered to leave the camp with Lieutenant Singletery on the night of the 16th of August; and if so, what did Lieutenant Singletery say to them?

Answer. I was on guard that night, and heard no offers of the like made.

Question by Colonel Paine. How long had you been out in your company street when you heard the conversation between Lieutenant Singletery and Sergeant Whittaker about the guard, on the night spoken of?

Answer. I had been out to the sinks, and, in returning to my tent, which was next to the officers' tents, I heard the lieutenant call the sergeant, and I stopped. The sergeant was standing at his tent door.

Question by Colonel Paine? Did you know or had you heard, before the conversation between Lieutenant Singletery and Sergeant

Whittaker, of which you spoke, that a guard had been called for or was stationed at Colonel Paine's tent?

Answer. No, I had not.

Question by Colonel Paine. How far were you standing from Sergeant Whittaker when the conversation between Lieutenant Singletery and the sergeant took place about the guard?

Answer. I suppose about ten paces; not exceeding ten.

Question by Colonel Paine. Where were you at battalion drill on the morning of the 16th August last?

Answer. I was on drill.

Question by Colonel Paine. Were there or not any lights in the men's tents by which you could see Lieutenant Singletery or Sergeant Whittaker at the time of the conversation between them about the guard?

Answer. No, there was not.

Question by the court. Was any other person present, or did any other person besides yourself hear the conversation between Lieutenant Singletery and Sergeant Whittaker?

Answer. Not that I know of, there was no one with me. Sergeant Peoples and Private Marsden Scarlet were in the middle of the street at the time, talking. They were fifteen paces, I suppose, from Sergeant Whittaker.

Private James C. Lumsden, company H, North Carolina regiment, witness, called at the request of Lieutenant Singletery, duly sworn:

Question by Lieutenant Singletery. Did you, or not, hear any men offer to leave camp with Lieutenant Singletery on the night of the 16th of August last; and if so, what did Lieutenant Singletery say to them?

Answer. I heard some propose to leave camp with him. He told them no, but to stay and do their duty; that it would all be right.

Question by Lieutenant Singletery. Did you or not hear Sergeant Whittaker say anything about a guard called for by Colonel Paine on the night of the 16th August last; and if so, what did he say, and when and where did he say it?

Answer. Yes: he told the men that Colonel Paine wanted a guard for his tent. Told them that if they did not want to go, to feign sickness, and he would not compel them to go. This was a little after tattoo on the night the man was shot.

Question by Colonel Paine. Was it before or after the pistol was fired in camp, on the night of the 15th of August last, when you heard that the guard was wanted?

Answer. It was after the pistol was fired that I heard that the guard was wanted.

Question by Colonel Paine. Where were you when you heard the sergeant say the men need not turn out for guard?

Answer. I was in my tent.

Question by Colonel Paine. How long after the pistol fired, before you heard Sergeant Whittaker say the men need not turn out for guard?

Answer. A very few minutes; about five or ten.

Question by Colonel Paine. Where were you at battalion drill of the North Carolina regiment on the morning of the 16th of August last?

Answer. I did not turn out that morning. I was in the camp of the company; I did not feel well.

Question by Colonel Paine. Were you at tattoo roll-call the night of the 15th of August last; and if not, where were you at that time?

Answer. I was at tattoo roll-call that night.

Question by Colonel Paine. How long did you continue sick after the morning of the 16th of August last?

Answer. I did not feel very well that morning, but felt very well about the middle of the day.

Question by Colonel Paine. About what time of the night of the 16th of August last was it that men of H company offered to leave camp with Lieutenant Singletery?

Answer. I do not know what time of night; but I know it was some time before tattoo; I do not know exactly.

Question by Colonel Paine. Where was Lieutenant Singletery when the men offered to leave camp with him?

Answer. He was before his tent, on horseback.

Question by Colonel Paine. For what purpose did the men wish to leave camp with Lieutenant Singletery?

Answer. I do not know; they did not assign any reason.

First Sergeant H. Bonham, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did or did not Sergeant Whittaker call on you to act as non-commissioned officer of the guard at Colonel Paine's tent on the night of the 15th of August last?

Answer. No; he did not call on me.

Question by Lieutenant Singletery. Did you, or not, at any time previous to the 16th of August last, ever hear Lieutenant Singletery say anything in abuse or disparagement of Colonel Paine?

Answer. No; I never heard him speak either one way or the other in regard to Colonel Paine.

Question by Colonel Paine. Where were you at battalion drill of the North Carolina regiment on the morning of the 16th of August last?

Answer. I have no recollection whether or not I was on drill that morning. I think I was not. I was arrested about that time; but whether before or after that day I do not remember. I do not recollect whether or not I was sick at the time.

Question by Colonel Paine. Do you remember any non-commissioned officer of your (H) company who was sick on the 16th of August last, and had been sick for some time before and after that day?

Answer. Corporal Paschal was sick before that day, on that day, and continued sick some time afterwards.

Question by Lietenant Singletery. Were you, or not, a non-commissioned officer of company H on the 15th of August last; and if so, how long had you been one?

Answer. I was a non-commissioned officer on that day. I had been appointed one at Smithsville, North Carolina.

Corporal Wiley Harding, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Were you a non-commissioned officer of company H on the 15th of August last; and did, or did not, Sergeant Whittaker call on you to act as non-commissioned officer of the guard at Colonel Paine's that night?

Answer. I was a non-commissioned officer of that company; on that night Sergeant Whittaker did call on me to act as non-commissioned officer of the guard at Colonel Paine's tent that night.

Question by Lieutenant Singletery. What passed between you and Sergeant Whittaker at that time?

Answer. I told him I had just come off guard that morning, and had felt unwell the whole day; and that I could not attend. He then passed on towards Corporal Davis's tent.

Question by Lieutenant Singletery. Did you or not, at any time previous to the 16th of August last, ever hear Lieutenant Singletery say anything in abuse or disparagement of Colonel Paine?

Answer. No; I never did.

Question by Colonel Paine. Were you at battalion drill on the morning of the 16th of August?

Answer. I cannot say whether I was on battalion drill or not. If I had not been on guard the night previous I always attended drill, and was never absent from drill except under such circumstances.

Question by Colonel Paine. Do you know any non-commissioned officer of your company (H) who was sick on the 16th of August last, and who had been sick some time previous, and continued sick for some time after that day?

Answer. No; I do not. On reflection, I do recollect that Corporal Paschal had been sick for some time, was so at that time, and continued so for some time afterwards.

Question by Colonel Paine. Do you know where Corporal Gormon, of your company, (H,) was at the time of the disturbance, on the night of the 15th of August last?

Answer. He was in Montery, I think. We left him there.

Corporal R. E. Paschal, company H, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Were you, or not, a non-commissioned officer of company H on the 15th of August last; and did, or did not, Sergeant Whittaker call on you to act asnon- commissioned officer of the guard at Colonel Paine's tent that night?

Answer. I was a non-commissioned officer on that night. I was not called on by Sergeant Whittaker for that duty.

Question by Lieutenant Singletery. Did you, or not, at any time previous to the 16th of August last, ever hear Lieutenant Singletery say any thing in abuse or disparagement of Colonel Paine?

Answer. No, I never heard anything at all.

Question by Colonel Paine. Were you sick on the night of the 15th of August last, and if so, how long had you been sick, and how long did you continue sick after that day?

Answer. I was sick at that time, and had been on the sick list since the 6th of July, I think, and I returned to duty about the 25th of September.

First Lieutenant Josiah S. Pender, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did, or did not, the number of men who turned out for drill at Buena Vista, vary very much from day to day, and if so, about how much?

Answer. The number on drill did vary very much, some days there would be a fourth more of a company on drill than on others; I know that was the case with my own and Lieutenant Singletery's company, as well as with the others. I had more opportunity of remarking it in the right wing, but I also noticed it in the left.

Question by Lieutenant Singletery. Where was company H stationed in the line, and on drill and parade?

Answer. It was stationed part of the time on the left flank, and part of the time on the right flank. Its position was changed from the left to the right, while at Buena Vista, but at what time I do not recollect; I think not long after our arrival at Buena Vista.

Question by Lieutenant Singletery. Were you at the North Carolina camp at Arispa's Mills on Sunday the 27th of February last, and if so, what occurred there?

Answer. I was there on Sunday last, the 27th of February. Lieutenant Singletery gave a dinner to the officers in celebration of his twenty-first birth day. After dinner, Adjutant Whittaker came out from town, accompanied by two Mexicans. The companies were called into line, for the purpose of discovering some soldiers of the North Carolina regiment, who, as I understood, had been to a fandango. The Mexicans were brought out for the purpose of recognizing them. They were invited by the officers, with whom one of them appeared to be a favorite, to drink. They had previously taken one drink on their arrival, and the adjutant forbid their drinking any more, saying they were his prisoners. Lieutenant Nash said, he would be damned if they should not, if they wanted to. The adjutant repeated that they should not, as they were his prisoners. Something was said by Lieutenant Nash about the companies being inspected by Mexican prisoners, and Lieutenant Nash remarked to his men standing by, "consider yourselves not inspected." The adjutant found one or two men he was in search of, and returned to town with them.

Question by Lieutenant Singletery. Did Lieutenant Singletery say anything to the adjutant about the Mexicans drinking?

Answer. No.

First Sergeant Jacob Fox, company A, North Carolina volunteers, called at the request of Lieutenant Pender, previously sworn.

Question by Lieutenant Pender. Do you know where Lieutenant Pender was on the night of the 15th of August last, previous to the firing of the pistol, and if so, state where?

Answer. I do not know where he was; I was sick in my tent.

Question by Lieutenant Pender. Who was in command of Lieutenant Pender's company, A, on the night of the 15th of August last.

Answer. Lieutenant Hyatt.

Question by Lieutenant Pender. Do you know, and if so, state what was Lieutenant Pender's conduct on the night of the 15th of August last?

Answer. After the pistol was fired, the companies were turned out. I got up and put on my clothes, and when I got out, all the men of the company were in line. They brought the man that was shot to our rear; he was hallooing, and I saw a number of the company went to the tent where the wounded man was. The men then returned to the company parade, and fell in again. They stood in line until we were ordered to break ranks. I think the order was given by Major Stokes. After the ranks were broken, Lieutenant Pender came to my tent, and told me he wanted me to go round and tell all the men they must turn out promptly, if called upon. I told him that I was sick, and did not feel able to go, and that he must call upon Sergeant Pittnaw. Lieutenant Pender then remarked, "I had forgotten you were sick, and I will go myself." He was gone long enough, I should think, to go round to all the tents, when he came back to my tent. He told me he had been round, and told the men that if they were called on to turn out promptly, that he would keep them out of the difficulty, if he could.

Question by Lieutenant Pender. Was not Lieutenant Pender always strict in the discipline of his company, exacting prompt and ready obedience at all times?

Answer. Yes.

Question by Lieutenant Pender. Have you ever observed in Lieutenant Pender any remissness in the performance of any duty appertaining to his company?

Answer. No.

Question by Lieutenant Pender. Do you, or not, know that Lieutenant Pender has been attentive to the diet of his company, and to the manner in which it was cooked?

Answer. Yes.

Question by Lieutenant Pender. Have you not known Lieutenant Pender to send the cooks to the provost guard for not cooking the food for the company in a proper manner?

Answer. I have.

Question by Lieutenant Pender. Was not Lieutenant Pender's attention to the sick of his company unremitting?

Answer. He did not visit the sick as Captain Buck does, but he used to send as good food as he had himself; have known him to

buy chickens for them, and take men who were very sick into his tent; and instances have occurred of sick men dying in his tent.

Question by Lieutenant Pender. Do you, or not, know that Lieutenant Pender ever permitted any familiarity with the men of his company, and was it not his peremptory orders that the men should not lounge in or about his tent, and were those orders observed?

Answer. He did not permit the men to be familiar with him, and his orders were that they should not lounge in or about his tent, and those orders were enforced.

Question by Lieutenant Pender. Has not Lieutenant Pender exacted of the men the utmost respect due him as commander, and has not this respect been manifested on all occasions?

Answer. He has, and this respect has been manifested on all occasions.

Question by Lieutenant Pender. Has, or not, Lieutenant Pender frequently spoken to his company relative to their duties as soldiers, to be obedient to orders, attentive to drills, to regard each other as brothers, and never be guilty of wrangling or quarrelling with any one, more particularly among themselves; that their conduct as soldiers and men might reflect honor on old Edgecombe?

Answer. He has.

Question by Lieutenant Pender. Has, or not, Lieutenant Pender on all occasions endeavored to stimulate the men to do their duty in every respect, promptly and cheerfully; that this could not be in the least derogatory to their character as men, but commendable?

Answer. He has.

Question by Lieutenant Pender. Has, or not, Lieutenant Pender's company always expressed the greatest confidence in me as commander?

Answer. It has.

Question by Lieutenant Pender. Was not Lieutenant Pender the unanimous choice of the company for captain when he was discharged?

Answer. He was not the unanimous choice of the company. I would not have voted for him myself, but I thought he was the choice of a majority of the company.

Question by Lieutenant Pender. How long after my discharge before an election was held for captain and lieutenant?

Answer. I cannot tell exactly, but I know it was a very short time.

Question by Lieutenant Pender. Was, or not, a lieutenant transferred to the company but a short time previous to the 15th of August?

Answer. Yes, Second Lieutenant Hyatt.

Question by Lieutenant Pender. Was there, or not, less disturbance and more order observed among the men of Lieutenant Pender's (A) company while he was in command than since?

Answer. It was more orderly before the detachment which was transferred to the company with Lieutenant Hyatt than it has been since. I attribute the change to these men.

Question by Lieutenant Pender. Was there any manifestation of disorder among the detachment while I was in command?

Answer. There were none while Lieutenant Pender was in command.

Question by Lieutenant Pender. Did, or did not, Captain Buck say to the men of A company that the colonel had disliked the company while Lieutenant Pender was in command, but since he (Captain Buck) was in command it was a favorite company?

Answer. Some short time after Lieutenant Pender was discharged Sergeant Williams came to town to see Lieutenant Pender. On his return he brought a paper into camp for a recommendation from the company in favor of Lieutenant Pender, signed by Sergeant Williams and Corporal Abrams. Williams handed it to me to sign, which I did. The next morning, Sergeant Williams went after wood, and left the paper with Private James Brasewell for the men to sign it. They carried it to Captain Buck to show it to him; the captain carried it to the colonel, and he sent it to General Wool, as I understood, from the captain. The captain then got us all in line and reprimanded us for signing the paper; that General Wool considered it mutinous, and that he (Captain Buck) would be the last man that would give Lieutenant Pender a recommendation, if it lay in his power to do so. He then went on to state that Colonel Paine had once despised the company, but now it was getting the favorite company in the regiment.

Question by Lieutenant Pender. How many days was this after Captain Buck took command of A company?

Answer. I cannot tell how many days; I think it might have been a week, but I do not think it was a fortnight.

Question by Lieutenant Pender. Do you know, and if so, state what was the purport of the paper spoken of in the question before the last?

Answer. It was a recommendation by the company in behalf of the good character and standing of Lieutenant Pender.

Question by Lieutenant Pender. Do you, or not, know that Jason Hunter, of A company, discharged for mutiny, refused to guard the wooden horse, and state what he said and did on that occasion?

Answer. The sergeant major came down and asked Sergeant Pitt if he had a man in the company by the name of Hunter? Pitt's reply was, that he had; and the sergeant major then told him the colonel wanted him (Hunter) to stand guard. I heard Hunter reply that he did not come to Mexico to guard a wooden horse. I then spoke to him, and told him the colonel did not want him to guard the wooden horse, but to guard his tent; his reply was to me, that if that was what he wanted "with me" I will go.

Question by Lieutenant Pender. Do you, or not, know that there were any manifestations in A company to disobedience of orders on the night of 15th August last?

Answer. There were no manifestations.

Second Lieutenant R. S. Pitt, North Carolina regiment, witness, called at the request of Lieutenant Pender, duly sworn.

Question by Lieutenant Pender. Do you know, and if so, state where Lieutenant Pender was on the night of the 15th August last, previous to the firing of the pistol?

Answer. I do not know.

Question by Lieutenant Pender. Did Lieutenant Pender's company, A, turn out immediately according to orders after the firing of the pistol?

Answer. It did.

Question by Lieutenant Pender. Did you perceive in Lieutenant Pender's company, A, any manifestations of mutinous conduct or disposition to disobey orders on the night of the 15th August last?

Answer. There was a man by the name of Jason Hunter who said, "boys, there will be a guard called out; let us stick up to each other and not guard it." No person gave him an answer, that I heard of. He was the only man I heard say any thing about it. I was the acting sergeant of A company at the time. I saw no disposition on the part of any other man of the company to disobey orders on that occasion.

Question by Lieutenant Pender. Was Hunter's conduct reported to Lieutenant Pender, or have you any reason to believe Lieutenant Pender was aware of his conduct in the company?

Answer. I did not report his conduct to Lieutenant Pender, and I had no reason to believe Lieutenant Pender was aware of it.

Question by Lieutenant Pender. Who was orderly sergeant, at the time of the occurrence on the 15th of August last?

Answer. Sergeant Fox was.

Question by Lieutenant Pender. Do you know, and if so, state what was Lieutenant Pender's conduct on the night of the 15th of August last?

Answer. After the fracas was over, he came round and told all the men to stay in their tents. That he expected there would be another difficulty before morning, and he wanted them to remain in their tents and not come out into the streets. That one of the men of the company had been out, and unfortunately got shot for being absent. That if there was another disturbance before morning, he would be with the company, and would not lead them to get into any difficulty. I told him I would stay in my tent, and I did so all night.

Question by Lieutenant Pender. What is Lieutenant Pender's character as an officer and disciplinarian?

Answer. I never have heard any complaints against him. I think he is a very good officer.

Question by Lieutenant Pender. Have you ever perceived any familiarity in Lieutenant Pender, with the soldiers of the company?

Answer. He is not as familiar with his men as I have seen other officers, nor with anybody else.

Question by Lieutenant Pender. Was, or was not, the sickness in A company so great, that on one occasion, while at Cerralvo, there were not men enough to bury a soldier of the company?

Answer. There was one time, while the company was at Cerralvo,

not men enough for duty, taking out the guard detail, to form a funeral escort for the dead.

Question by Lieutenant Pender. Did you witness, on morning drill parade, somewhere about the 14th August, '47, the colonel chastise Private John Barns, and if so, state what the colonel said and did?

Answer. I do not recollect the time, but I remember that on one occasion the colonel came up to Private Barns, and struck him about his belly with his sword. The colonel then went off a few paces, and turned towards Barns, and said "God damn you, are you mad? next time I will give you something to be mad at." I understood the reason the colonel struck him was because he had his hand in his pocket.

Question by Colonel Paine. Did you know whether or not Barns was hurt by the blow the colonel gave him?

Answer. I never heard any complaint from Barns, or any one else, of his being hurt by the blow.

Question by Colonel Paine. Did you hear any complaint made in your company, A, about Colonel Paine having struck Private Barns for having his hand in his pocket?

Answer. Yes, I heard Lieutenant Pender complain of it, and that he meant to report him. It was in Lieutenant Pender's tent, and there were present, at the time, some persons belonging to the regiment, but whether they were non-commissioned, privates, or officers, I do not recollect. Lieutenant Pender said he had no right to strike a private; that a private, in that respect, was on the same footing as an officer.

Question by Colonel Paine. Do you remember whether Colonel Paine had, or had not, ordered men of the regiment to take their hands out of their pockets on drill, before Barns was struck?

Answer. I had heard the colonel, when on battalion drill, order the men to keep their hands out of their pockets; previous to that time the mornings were very cold.

Question by Colonel Paine. How long after the fracas, on the night of the 15th of August last, was over, as you stated, before you saw Lieutenant Pender?

Answer. It was about fifteen or twenty minutes after the companies were dismissed.

Question by Colonel Paine. Had you seen Lieutenant Pender, and at what time, on the night of the 15th of August last, before the companies which had been ordered out, were dismissed?

Answer. I do not think I did.

Question by Colonel Paine. Were the feelings of yourself, or the men of company A, embittered towards Colonel Paine, on the night of the fracas of which you spoke?

Answer. Mine were not, nor do I know that any of the company were; did not hear any of the men speak about Colonel Paine, except Hunter, before mentioned.

The court adjourned at 10 o'clock, p. m., to meet to-morrow at half past 9 o'clock, a. m.

THIRTY-THIRD DAY.

SALTILLO, MEXICO,
Saturday, March 4, 1848.

The court met pursuant to adjournment.
Present: all the members and the judge advocate, recorder.

Lieutenant Pender here submitted, under oath, to the court the following written statement:

I would wish to make a few remarks, relative to the intercourse with the men of my company. I can say, with propriety, that I have never indulged in any familiarity with my men; on the contrary, I have often given offence to those who were once my playmates, by forbidding this familiarity; and I but rarely converse with any of them, except on affairs relative to their duty as soldiers; and it was my positive orders that no soldier or soldiers should lounge in or about my tent.

I have, on some occasions, when, if men of my company became seriously ill, taken them into my tent, and had them nursed in a proper manner—and this was at the time when we had so many sick in the regiment, they could not have the attention elsewhere I desired. On another occasion, the Indians were committing some depredations in the vicinity of San Francisco, and the adjutant came to me and asked how many men would turn out to go on an expedition after them? From his manner, I concluded he wanted a few select men, such as desired to go. I replied, I would ascertain and inform him; I informed the company that some men were wanted, and for what purpose they were wanted, and demanded of them how many wished to go? They replied they all wished to go, if I could go with them; I replied that I was not ordered to go, but would make the request of Colonel Paine; I made this request, saying that my whole company desired to go, if I could go with them; the colonel replied, very harshly, that he did not consult mine or their wishes—that he did not wish the men to fight for me, he wished them to fight for him; I replied, that I had no doubt they would do so, but that I considered myself the connecting link—that I would fight for him and my men should fight for me. Being aware that many complaints existed among the officers and men, relative to Colonel Paine's conduct, on different occasions, and being informed that charges had been preferred against him, in some instances, and not regarded, I was desirous that these complaints should be properly investigated, for the maintaining the rights of officers, as guaranteed by the regulations. Being informed that their proper rights had been disregarded in this respect, I, on the presentation of the paper, signed the paper "E," not as endorsing the individual causes of complaint therein enumerated, (not being present when they transpired,) but from the representation of different officers. I regarded his (Colonel Paine's) conduct, thus represented, as tyrannical and overbearing, and considered it but justice to all parties concerned to have the matter properly inves-

tigated. After a more than sufficient lapse of time, no information having been received from General Taylor relative to these complaints, and the discontent becoming more and more glaring, I found, that if some means were not taken to allay these discontents, that the character our regiment had so universally sustained for harmony and good order must fall a sacrifice to them, in some overt act on the part of our regiment subversive of military order. In consideration of these circumstances, I was induced to sign the paper requesting the colonel to resign, intending it as a warning of the discontent in the regiment, that he might, after mature reflection, take proper means to quiet those discontents by an investigation, a change of conduct, or by resigning, as he should deem the circumstances of the case might require, disclaiming all intentions of a mutinous or seditious character.

Colonel Paine requested to make a statement, in reference to a portion of the preceding statement of Lieutenant Pender, as follows:

I remember well the circumstances alluded to by Lieutenant Pender, in reference to detailing men to go in pursuit of some Indians. We were encamped at the time near Camargo. I had just arrived with my command from Monterey, when I received a note from the quartermaster at Camargo, informing me that the Camanche Indians had made an incursion in considerable force into the country, near the quartermaster's depot at San Francisco, about fourteen miles below Camargo, on the Rio Grande; stating his apprehension for the safety of the stores which were there, and his inability to obtain assistance from any other quarter, and that he was forced to apply to me for that assistance. Supposing that there might be some chance for an engagement, and being desirous that a portion of all the companies that were there with me might take part in the enterprise, I directed the adjutant to see what number of men could be detailed from certain companies, (there were a great many sick,) and directed a detail to be made from company A, which Lieutenant Pender commanded, it being one of the companies. The adjutant reported to me, that Lieutenant Pender said his men were not willing to go unless he went with them. I immediately called on Lieutenant Pender to know the meaning of it, and stated to him, that when I gave an order, that I did not leave it to the discretion of the officers of my regiment to consult the wishes of their men, as to whether they would obey the order or not; that I did not want the men to be willing to fight when he desired it, but when I ordered it. I do not know that I should use too strong an expression in saying, that I felt disgusted at the conduct of Lieutenant Pender on this occasion, for it was not the first time that he had shown a disposition rather to obey his own inclinations than to discharge the duty required of him. With this feeling, abandoning the determination I had first formed, of taking any portion of the detail from the company A, I determined, at once, to call upon officers whom I knew would assume proper command over their men, and I accordingly sent an order to Captains Shive and Williamson—the latter of whom had just arrived with me with his company from Monterey—to prepare forthwith to march with

their companies; the order was instantly obeyed, and they had set out on the march when I met a messenger from the quartermaster, and from him I learned that I would not probably need so large a command as two companies.

I however marched both companies down to the San Juan, and went myself, or sent the adjutant, to learn if the message I had received was correct. I was informed by the quartermaster that one company would be sufficient; and in consequence of the fatigue Captain Williamson's company had undergone, by the day's march, I took with me Captain Shive and his company. I crossed the river, and marched to San Francisco, about two o'clock the next morning. On arriving there I learned that the Indians were in the neighborhood. I started off very early the next morning, accompanied by my sergeant-major, with a small command of men of the company, mounted for the purpose, with orders to proceed through the country as far as old Reynosa; and another command of about ten men went down the bank of the river on foot. About sunrise we discovered that the Indians had just re-crossed the river, in considerable force. I remained there until the sergeant-major returned, and informed me that he could find nothing, when I returned to Camargo, leaving Captain Shive and his company at Camargo depôt. I state, further, that I have had occasion since—I do not remember how often—to speak to Lieutenant Pender about having his tent full of the men of his company. I cannot undertake to say that this familiarity went further than the mere association. I told Lieutenant Pender that I had no objection, but, on the contrary, was pleased that officers should always show kindness and attention to their men; and, if they were very sick, I had no objection, if an officer thought it necessary, that a private should be brought into his tent, to be nursed; nor had I any objection to a non-commissioned officer or private coming into the officers' tents, provided they were made to show proper respect to the officer while they were there; but that I would not allow, if I could possibly prevent it, that the men should come into the tents of the officers, unless they were made to pay that respect that was due to the officer, which, on the occasions I have alluded to, was not exhibited.

I desire further to state, in explanation of a remark made in my testimony on a former day, in relation to the intercourse between the officers and men of the regiment, that I intended to apply those remarks only to the officers who were with me at Buena Vista. I will state, further, that there were some commanding officers of companies who were there, to whom the remarks now referred to may not apply, in so broad a sense as given in my previous testimony; for there were some commanding officers who, though they may not justly fall within the scope of my remarks, to the extent they were given, nevertheless did not exercise proper authority over the subaltern officers of their companies, to break up the intercourse which existed between the subalterns and the men of the company.

Second Lieutenant S. W. Hyatt, company A, North Carolina

regiment, witness, called at the request of Lieutenant Pender, duly sworn.

Question by Lieutenant Pender. Where was Lieutenant Pender on the night of the 15th of August last, previous to the firing of the pistol?

Answer. He was in Captain Pender's tent.

Question by Lieutenant Pender. What other person or persons were in Captain Pender's tent?

Answer. Captain Pender and the quartermaster-sergeant, Buttle, were there, and, if I am not mistaken, Major Stokes was there.

Question by Lieutenant Pender. Who was in command of A company on the night of the 15th of August last?

Answer. I was in command.

Question by Lieutenant Pender. Do you or not know that Lieutenant Pender knew nothing of the disturbance, till the firing of the pistol?

Answer. I have no idea.

Question by Lieutenant Pender. Was not the order to turn out promptly obeyed, and did not the company remain in ranks until ordered to be dismissed?

Answer. When the order was given to turn out, Lieutenant Pender told me to turn out the company, and I did so. They turned out promptly, and formed line, and about the time they did so, Bradley (the man shot) was brought into our street, and I told some of the company to assist in carrying him to his tent. Some of the men, at that time, probably broke line. Soon as Bradley was put into a tent, I ordered the men into line again, and they formed accordingly. The company remained in line until a voice, which I took for that of Major Stokes, ordered the company to be dismissed.

Question by Lieutenant Pender. When the men were dismissed, did you or not hear Lieutenant Pender give the men other orders and instructions; and if so, what were they?

Answer. He went round to the tents and told the men to remain in their tents, and if they were ordered to turn out again to do so promptly; that he did not want his men to get into any difficulty, as Bradley had got shot for being absent from his tent. He also ordered me to go round and advise the men to stay in their tents, which I did.

Question by Lieutenant Pender. Did or did not Lieutenant Pender remain in his company quarters from the firing of the pistol till quite late at night?

Answer. Yes, he did.

Question. Was there any manifestation of mutiny or disobedience of orders in Lieutenant Pender's company, A, on the night of the 15th August, 1847?

Answer. Not to my knowledge.

Question by Lieutenant Pender. Did or did not Lieutenant Pender perform all that could have been required of him on this occasion, promptly?

Answer. I think he did.

Question by Lieutenant Pender. Did you, or not, ever know Lieutenant Pender to neglect any duty as an officer?

Answer. I did not, while I had been in the company. I have not been in the company long; something like a month.

Question by Lieutenant Pender. Did or did not Colonel Paine speak to Lieutenant Pitt about the men setting in his tent; and have you ever heard Colonel Paine speaking to Lieutenant Pender on this subject?

Answer. Yes, I heard Colonel Paine speak to Lieutenant Pitt on this subject at Arispa's Mills. I never heard of Colonel Paine speaking to Lieutenant Pender about men sitting in his tent.

Question by Lieutenant Pender. Have you, or not, ever witnessed any familiarity in me towards the men of the company?

Answer. I never did know Lieutenant Pender to be familiar with his men, more than I thought was his duty.

Question by Lieutenant Pender. Do you, or not, consider Lieutenant Pender as capable of commanding a company as any officer in the regiment?

Answer. I think he is.

Question by Colonel Paine. Do you, or not, remember that Colonel Paine passed the quartermaster's tent about dusk on the evening of 15th August last, and called the adjutant as he passed?

Answer. I think he did. I thought it was Colonel Paine's voice, and I looked out of the tent and saw some person going down towards the Virginia camp. The colonel was at my tent that night, but I cannot say how long it was after he passed the quartermaster's tent. We had some conversation in my tent, but I do not recollect distinctly what it was.

Question by Lieutenant Pender. Were you, or not, acquainted with A. H. Bradley, the man who was shot on the night of the 15th of August last; if so, state what his character was?

Answer. I had been acquainted with him some two or three years. His character was good, as far as I knew—a very inoffensive young man.

Lieutenant and Adjutant Whittaker, North Carolina regiment, was recalled at his own request, to correct a portion of his testimony, given on Wednesday last. I desire to state that it was Lieutenant Nash who used the expression, he would be damned if they should not drink, if they wanted to, and not Lieutenant Singletery, as then given. The mistake was merely one of names, the remainder of the testimony is correct.

Sergeant Louis D. Johnson, of company A, North Carolina volunteers, witness, called at the request of Lieutenant Pender, duly sworn:

Question by Lieutenant Pender. Did you, or not, hear Captain Buck speak of Colonel Paine in connexion with Lieutenant Pender; and if so, what and where was it?

Answer. I recollect hearing Captain Buck say something about the company one evening. He said something about the paper

which was got up in the company. He said that such papers were considered mutinous, and that Colonel Paine had once disliked the company, but that it was coming to be a favorite one. The company was on drill at the time.

Major G. H. Wilder, paymaster United States army, witness, called at the request of Lieutenant Pender, duly sworn:

Question by Lieutenant Pender. Did or did you not, on one occasion, hear Colonel Paine say that he intended that Lieutenant Pender never should be captain of A company, and please state what called for this remark?

Answer. I can only answer according to my recollection. Some time during the month of last October, I think, I was at Colonel Paine's tent, near Arispa's Mills, a conversation arose about an article in the "Tarborough Press," in which article was a remark, that it seemed Colonel Paine never intended Lieutenant Pender should be captain of that company. Colonel Paine jocosely remarked, that the inventor of that article guessed well.

Question by Colonel Paine. When did you first visit the camp of the North Carolina volunteers at Arispa's mills, and what was the state of discipline in which you found the regiment at and since that time?

Answer. I visited there the first time early in October last, and have frequently visited there since—once remaining near a fortnight. At all times I found the discipline and order of the regiment remarkably good.

Question by Colonel Paine. Will you state what (from your observation) has been the manner in which Colonel Paine discharged his duties as an officer?

Answer. I think that Colonel Paine discharged his duties as an officer exceedingly well.

The court took a recess until 2 o'clock, p. m.

Captain W. E. Kirkpatrick, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. In signing the letter of complaint to General Taylor, did you, or not, conscientiously believe that it was just, and have you since changed your opinions, excepting the words "secretly attempting to destroy their authority over the men"?

Answer. I did believe it was just at the time. I have somewhat changed my opinions on the subject lately.

Question by Lieutenant Singletery. Examine the paper E, and state in what respect you have changed your opinions?

Answer. I have changed my opinion in regard to private Thompson—I now believe that he was justly punished; and I have changed my opinion in regard to the expression "secretly attempting to destroy their authority over the men" used in the letter. I do not now believe that Colonel Paine did secretly attempt to destroy the authority of the officers over their men.

Question by Lieutenant Singletery. Are Captains Roberts and Blalock, signers of that paper, now in the regiment?

Answer. They are not.

Question by Lieutenant Singletery. Did you, or not, ever hear Colonel Paine curse a commissioned officer of the regiment; and if so, state when and what it was he said?

Answer. I never did.

Question by Colonel Paine. What part of the letter to General Taylor, referred to, do you know to be true?

Answer. I know nothing of the facts alleged in the paper of my own knowledge.

Question by Colonel Paine. Have you, or not, told Colonel Paine, in explanation of your signing the letter to General Taylor, which you have just examined, that you only signed it because you thought you were doing justice to your man, private Thompson, of I company.

Answer. I think I did; am satisfied of it.

Question by Colonel Paine. Did you, or not, come into the tent of Colonel Paine at Buena Vista on the day after you had signed the paper, calling upon Colonel Paine to surrender his commission, and say to Colonel Paine that you signed that paper solely out of regard to Colonel Paine's personal safety?

Answer. I called on Colonel Paine, and found him, as I thought, much distressed in mind, and I did tell him that I had not signed the paper for any mutinous intention, but on account of his personal safety. I thought it would be for the good of the regiment.

Question by Colonel Paine. If you have any reason now to believe any portion of the letter to General Taylor to be true, will you state what portion of it you believe to be true, and your reasons for so believing?

Answer. I now believe so much contained in the paper as related to Colonel Paine's arresting officers for slight and trivial causes, and to habitually treating his officers with disrespect; but this belief is founded on hearsay, and not on anything I know myself.

Question by Colonel Paine. Who told you that Colonel Paine had, in several instances, placed officers in arrest for the most trifling causes?

Answer. Several; it was a common report all over camp. The first instance, I recollect, was that of Lieutenant Singletery, who was placed in close arrest for merely demanding a trial, as was reported in camp.

Question by Colonel Paine. Will you state whether or not you have heard Lieutenant Singletery say that Colonel Paine had placed him in close arrest, or in arrest, for asking a trial by court martial?

Answer. Yes, I think I did, and I think I heard several other officers say the same.

Question by Colonel Paine. Who called upon you to sign the letter, calling upon Colonel Paine to surrender his commission on the 16th of August last?

Answer. Lieutenant Pender handed me the paper in Lieutenant Singletery's tent.

Question by Lieutenant Singletery. Did you, or not, when you made the explanation to Colonel Paine, of which you first spoke, bear in mind the whole contents of the letter to General Taylo?

Answer. I only referred to Thompson. I had not in mind the whole contents of the letter.

Question by Lieutenant Singletery. Did you, or not, have ample opportunities for judging of the justice of as much of that letter as follows the words "but it is not these things, though most laring?"

Answer. I cannot say that I had.

Question by Lieutenant Singletery. Were you ever absent from the camp, except on such duty as devolved on other officers?

Answer. I was not.

Question by Colonel Paine. When the conversation ensued about signing the paper, calling on Colonel Paine to surrender his commission, did you or not tell Colonel Paine that you yourself had no cause of complaint against him as commander of the regiment?

Answer. I cannot recollect whether I did or not. I had none then and have none now.

First Lieutenant D. S. Johnson, North Carolina regiment, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. Did you, or not, ever hear Colonel Paine order Lieutenant Singletery in arrest, and if so, what were his words; in what tone did he speak, and where did this occur?

Answer. Once at Buena Vista I heard him remark that Lieutenant Singletery was in arrest, in close arrest; he spoke in a loud voice. I do not recollect the date, but it occurred on the occasion when Lieutenant Singletery asked to be tried.

Question by Lieutenant Singletery. In signing the letter of complaint to General Taylor, dated August 7th, did you, or not, conscientiously believe that it was just, and in what respect have you since changed your opinions, if in any?

Answer. That portion of the letter which refers to "secretly attempting to destroy the influence of the officers over their men," I objected to at the time. I signed the letter conscientiously, with that exception, and I have not since changed my opinion.

Question by Colonel Paine. Did you hear Lieutenant Singletery ask of Colonel Paine a trial by court martial?

Answer. I did not.

Question by Colonel Paine. What part of the letter to General Taylor, spoken of, do you know to be true?

Answer. That part relating to Thompson I pointed out. I witnessed the occurrence and believe the facts are correct as stated; also that fact in relation to placing officers in arrest for slight and trivial causes, and in reference to so much as relates to treating his officers with the greatest disrespect, I state I have known several instances.

Question by Colonel Paine. Had you any agency in arranging

the accusations, or in getting up the letter of complaint to Genera Taylor, against Colonel Paine?

Answer. I had heard the matter spoken of, and after the letter was written off it was handed to me for such alteration as I thought necessary; that was the time I objected to the part I have before referred to.

Question by Colonel Paine. What occurrences set forth as facts, in the letter to General Taylor, did you furnish for complaint against Colonel Paine?

Answer. None.

Question by Colonel Paine. Was the letter written to General Taylor without any previous conference with you on the subject, and where did you sign it?

Answer. There had been previous conversations about it, but I did not know that the letter was written until it was presented to me; I signed it in Lieutenant Singletery's tent.

Question by Colonel Paine. At whose request or suggestion did you sign the letter to General Taylor?

Answer. The paper was presented to me by Lieutenant Singletery for signature.

Question by Colonel Paine. With whom did you have any conversation about writing the letter to General Taylor, before it was written?

Answer. I had conversation on the subject with Lieutenant Singletery and with Captain Price, prior to his leaving; he was absent at the time the letter was signed.

Question by Colonel Paine. Who first exhibited to you the letter to General Taylor, and to whom did you make the objection to the part you have stated?

Answer. Lieutenant Singletery.

Question by Lieutenat Singletery. Were you or not persuaded into signing the letter to General Taylor by Lieutenant Singletery?

Answer. I was not persuaded. I signed it conscientiously.

Question by Lieutenant Pender. When Lieutenant Pender was placed under arrest for not appearing on drill, having served on court martial during the morning, did you or did you not (being acting adjutant) tell Lieutenant Pender, on his giving his reason for his non-appearance, as sick and unable to go and report himself to the surgeon?

Answer. I first gave him the order to go out on drill, and then suggested that he must go to the surgeon and get excused, or go out on drill. I knew he was unwell, as I have heard him say so, and that was the reason I told him to go and get excused, that I might carry the report back to the colonel.

First Lieutenant William McKerrall, North Carolina volunteers, witness, called at the request of Lieutenant Singletery, duly sworn.

Question by Lieutenant Singletery. In signing the letter of comint to General Taylor, dated August 7, did you, or not, conscien-

tiously believe that it was just, and in what respect have you since changed your opinions in any way?

Answer. Yes. I thought at the time it was just, except what refers to secretly attempting to destroy the influence of the officers over the men, about which I had some doubts. I do not know that I have changed my opinions.

Question by Lieutenant Singletery. Were you, or not, persuaded into signing the letter to General Taylor, by Lieutenant Singletery?

Answer. No, I was not.

Question by Lieutenant Singletery. Have you, or not, observed any change in the conduct of Colonel Paine since the 16th of August.

Answer. Yes, I think I have. I do not think he has been so rigid with the officers since as he was before.

Question by Lieutenant Singletery. Please relate the conversation you had with General Cushing, on or about the 17th of August last.

Objected to by a member. The court was closed, and, on its reopening, the decision was announced that the question be not put.

Question by Colonel Paine. Where did you first see the letter to General Taylor, where did you sign it, and by whom was it presented to you?

Answer. I received it when I was on guard. I think it was presented to me by Lieutenant Staton, and I signed it in the guard tent.

Question by Colonel Paine. Had you any conversation about the letter to General Taylor before you signed it, and if so, with whom?

Answer. I had heard it spoken of before it was presented to me. I do not remember who the person was I heard speak of it, but they were officers of the North Carolina regiment.

Question by Colonel Paine. What part of the letter to General Taylor do you know to be true?

Answer. Part of what refers to Thompson; I did not see the commencement of the scene; and the part which refers to placing officers under arrest. In reference to so much as refers to treating officers with disrespect, I state that I do not think the colonel treated the officers at all times with that respect which was their due.

Question by Colonel Paine. State what officers, who were placed under close arrest, did you see arrested for insignificant causes?

Answer. Of my own knowledge, I do not know of an officer being placed in close arrest for a trivial cause. I only know from what I have heard.

Question by Lieutenant Singletery. Do you, or not, know that Lieutenant Singletery was in close arrest; and did you, or not, hear the cause of his arrest, in a manner which satisfied you it was trivial?

Answer. Yes; and I did learn it was in a manner that satisfied me that it was in a trivial cause.

Question by Lieutenant Singletery. Was or was not the letter to General Taylor signed by any but commanding officers of companies?

Answer. No, not to my knowledge.

Question by Colonel Paine. For what cause did you learn Lieutenant Singletery had been placed in close arrest?

Answer. I do not remember it now.

Question by Colonel Paine. Were you the commanding officer of E company, and where was the captain of that company at the date of the letter to General Taylor?

Answer. I was the commanding officer at the time. The captain was in Saltillo on sick leave.

Assistant Surgeon J. D. Canfield, United States army, witness, called by the court, duly sworn.

Question by the court. Please state to the court what you know in relation to the mutiny which it is alleged occurred in the camp of the North Carolina volunteers, on the night of the 15th August last.

Answer. My tent was on the extreme left of the Virginia regiment, nearly on the dividing line between the Virginia and North Carolina camp. Immediately after the tattoo on that night a large number of men of the Mississippi regiment and the Virginia regiment, also some from the North Carolina regiment, collected near my tent, numbering, altogether, I suppose, three hundred and upwards. They remained there some fifteen or twenty minutes, some passing over into the North Carolina camp, and again returning to the crowd. They remained there until taps; at that time some officer, either Captain Young or Captain Rowan, of the Virginia regiment, came out of my tent with me and ordered them to their tents, telling them that it was after taps; they made no reply, nor did they move. Knowing several of the men, I told them to go to their tents, at which several, some 20, I suppose, spoke, saying: "We are determined to have the wooden horse;" some of them remarked, "We will throw the head into Colonel Fagg's tent, and the tail into Colonel Paine's tent." I then remarked, that if one of them made the attempt they would be shot, for Colonel Paine had placed sentinels about the horse. They, the mass, then remarked, that there is no danger whatever, for we have made arrangements to pass the sentinels and they are not to fire, they being in with us. The crowd then divided, half going towards the wooden horse, and half round towards the men's tents of the North Carolina regiment. I had scarcely entered my tent before I heard the report of fire-arms, apparently the report of a pistol. Immediately one of the men of company G, Virginia regiment, by the name of King, came running to me, saying he had been shot by Colonel Paine. I found he was shot in the hand.

Question by the court. Please state to the court the names of such of the men in the crowd as you recognized.

Answer. I recognized many at the time belonging to the Virginia

regiment, but cannot now recollect the names of any, except King, who had been under my treatment for two weeks prior to the occurrence referred to.

Question by the court. Did the officers of the Virginia regiment, whom you have mentioned as being at your tent at the time, make any effort, other than those you have stated, to disperse the crowd?

Answer. Nothing more than they were ordered to go to their tents, at the same time remarking, that they would get themselves into difficulty if they did not go to their tents. In further answer to the first question the witness stated, that he had frequently heard threats made against Colonel Paine, by men of the Virginia and Mississippi regiments. These threats amounted to this, that if a good opportunity offered they would shoot him, and if he ever was so lucky as to get into battle, he never would come out alive; for, if the Mexicans did not shoot him, they would. The reason of this aversion, as I understood, was, that they thought the colonel was down too hard upon his own men; and as the North Carolinians would not resent it, they themselves would. They also seemed to think the colonel was very hard upon the sentinels when he was field officer of the day. I also understood that the reason why they determined to destroy the wooden horse was, because the North Carolinians would not do it themselves, and they would not have the precedent of such a punishment established, fearing it might be adopted in their own regiment.

Question by the court. Did you, or not, hear any threats uttered by men in the crowd, on the occasion referred to, of personal violence towards Colonel Paine?

Answer. I think I did; the substance was, that if Colonel Paine came out of his tent when they went to destroy the horse, they would serve him as they intended to serve the horse.

Question by Colonel Paine. Did you ever hear Lieutenant Singletery complain of the conduct of Colonel Paine, before the 16th August last?

Answer. I never did. I did not know an officer of the regiment at that time, except the field officers, and those only by sight.

Major J. A. Early, Virginia regiment, witness, called at the request of Colonel Paine, duly sworn.

Question by Colonel Paine. Did you, or not, serve with Colonel Paine in the brigade at Buena Vista for some time previous to the 16th August last, and will you state in what manner he discharged his duties as an officer?

Answer. I did serve in the same brigade with Colonel Paine, from the 25th June to the 16th August last, and a portion of that time I acted as inspector to the brigade, and in that capacity I had official communication with Colonel Paine, and had frequent opportunities, otherwise, of observing his conduct as an officer. He performed his duties as an officer with great faithfulness and diligence, seemed to be always anxious to ascertain his duty and was indefatigable in its discharge. I will say further, that Colonel Paine was constantly engaged in his duties as commander of his regi-

ment, performing a great deal of duty which he would not have had to perform, had he had officers of experience in his regiment; for some ten or twelve days Colonel Paine and myself were field officers of the day, alternately every other day, and during that time he attended to his duty as commander of his regiment in the same manner as when not on duty as field officer of the day. I saw that he drilled his regiment and attended to the usual routine duties. His camp was in better police and better order was observed in it than in any other camp in the brigade. From my observation of his conduct during that period, I was satisfied that, with experience, he would make one of the most efficient commanders of a regiment in the service.

Question by Colonel Paine. Will you state if you have any reason to believe that Colonel Paine, while at Buena Vista, ever had anything to do with the soldiers of the Virginia or Mississippi regiments, except when on duty as field officer of the day?

Answer. I have no reason to believe that he had anything to do with them, except when he was field officer of the day; nor have I heard any complaint that he ever interfered with them. I very rarely ever saw Colonel Paine out of his own camp, except when he was on duty.

Question by Colonel Paine. Will you state if you know, or have any reason to believe, that Colonel Paine, when on duty as field officer of the day, ever exacted from any one, under his orders, more than a faithful discharge of duty?

Answer. I have heard rumors in camp that Colonel Paine had been unnecessarily rigid, but the complaints I always regarded as false and ridiculous. I have no just reason to believe that he did exact from any one, under his order, more than a faithful discharge of their duty.

Question by Colonel Paine. Will you state if you inspected the North Carolina regiment at Buena Vista, and if you remember whether there was any and what company of the regiment that appeared inferior on inspection, prior to the 15th August last?

Answer. I did inspect the North Carolina regiment before that date, and, going down the line, came to one company whose commanding officer seemed to be entirely ignorant of his duties; did not know how to bring the company to the position of inspection of arms. The sergeants, particularly the orderly sergeant, seemed to be very awkward, and the company was in very bad order, and it was some time before I could get the company in position to inspect arms. I believe Colonel Paine or myself had to give the orders. Colonel Paine remarked at the time, "this is A company." I did not know whose company it was, nor did I know the name of the officer in command at the time; he is an officer whose name I have never known.

Question by Lieutenant Pender. Did you not know Lieutenant Pender?

Answer. I did know him; he was not in command on that day.

Brevet Major L. B. Webster, 1st artillery, witness, called at the request of Colonel Paine, duly sworn.

Question by Colonel Paine. Do you know the character of Colonel Paine, as an officer, before he took command in Saltillo; and will you state what that character was?

Answer. I had heard that he was an indefatigable, energetic officer; that he was very faithful in the discharge of his duties, and that he required others, also, to perform theirs. I had heard of the character of Colonel Paine, as well as of the difficulties which had occurred in the regiment, I believe, altogether from officers of the regular army; and I did not hear his conduct censured, although those difficulties were regarded as unfortunate.

Question by Colonel Paine. How long since Colonel Paine took command at Saltillo?

Answer. Between two and three months since.

Question by Colonel Paine. Will you state how Colonel Paine has discharged his duties as an officer since he took command in Saltillo?

Answer. I have had almost constant intercourse with him, since he has been in command, and I have always found him ready and active in his attention to his duties, and, considering the length of time he has been in service, well qualified to discharge the duties of his station in every respect; his manners, gentlemanly and courteous, as far as I could judge; his orders given with propriety and mildness, but with energy. He has been particularly vigilant in the police of the city, and his whole course has been such as I could find no fault with, and highly commendable.

Captain S. Singleton, North Carolina regiment, witness, recalled at the request of Colonel Paine.

The regimental morning report book being shown to the witness, he testified as follows: I was adjutant of the North Carolina regiment from the 8th of August to the 23d of October, 1847. The morning reports of the regiment were made up, under my supervision, by a clerk, and I believe them to be a true consolidation of the morning reports of the companies of the regiment.

The report book shows that from the 9th to the 15th August last, inclusive, there was one North Carolina officer, (a corporal,) of H company, sick; on the morning of the 16th August last, three sergeants and two corporals; on the morning of the 17th, two sergeants and two corporals; on the morning of the 18th, one corporal. From the 12th to the 15th August last inclusive, there were six privates reported sick in the same company, (H;) on the morning of the 16th, eleven privates; on the morning of the 17th, five privates.

Captain S. P. Tipton, K company, North Carolina volunteers, having desired to offer testimony as to the general good character of Private Bradley, who was shot on the night of the 15th of August, the court took the subject under consideration, and came to the decision not to receive any testimony on the subject, for the following reasons, viz:

1. That the general good character of Private A. H. Bradley,

company A, North Carolina volunteers, previous to the 15th August, 1847, has not been impeached.

2. That if it had been, it is not pertinent to the question under consideration before the court; and

3. If it were, the general good character has been proven sufficiently to the satisfaction of this court.

On motion of a member, the following order was read by the judge advocate in open court, viz:

ORDERS, No. 79. } HEAD QUARTERS, ARMY OF OCCUPATION, *Monterey, Mexico, February* 12, 1848.

So soon as the court of inquiry, instituted in orders No. 13, current series, shall have examined all the witnesses in and near Saltillo, it will adjourn to meet in Monterey.

Colonel Paine, and Lieutenants Pender and Singletery, North Carolina volunteers, being implicated or directly concerned in the matter under investigation by the court, will be permitted to come to Monterey, to attend its sittings at that place.

By command of Brigadier General Wool:

IRWIN McDOWELL,
A. A. G.

And the court having examined all the witnesses known to them in and near Saltillo, who could give any material or important information as to the facts and occurrences referred to them for investigation, at 8 o'clock, p. m., adjourned to meet in Monterey, on Monday, the 13th March, at 10 o'clock, a. m.

THIRTY-FOURTH DAY.

MONTEREY, MEXICO, *March* 13, 1848.

The court met pursuant to adjournment, and in obedience to the orders above quoted.

Present: All the members, and the judge advocate, recorder.

Brigadier General John E. Wool, United States army, witness, called by the court, duly sworn.

Question by the court. Will you please state to the court what you know in reference to the alleged mutiny in the camp of the North Carolina regiment at Buena Vista, on the 15th August last, and the death of one soldier, and the wounding of another, on the occasion; and the dishonorable discharge, on the following day, of Lieutenants Pender and Singletery, of the North Carolina volunteers, and two soldiers, one of the North Carolina regiment and one of the Virginia regiment?

Answer. On the night of the 15th August last, I was informed by General Cushing, perhaps personally, of a mutiny in Colonel Paine's regiment. I immediately accompanied the general, and

proceeded to Colonel Paine's camp, with the view of ascertaining the cause of the mutiny, and suppressing it. On my arrival at the camp—I think at Colonel Paine's tent—I found that those who had been engaged in the mutiny had dispersed, and I was informed one man had been wounded, supposed mortally, and another slightly in the hand. After remaining there some time, conversing with the few officers that were near Colonel Paine—I think only some two or three of his own regiment, at least I saw no others—and giving the necessary orders to prevent a repetition of what had occurred, by placing guards and patroles, I returned to my tent in company with General Cushing. The next morning, I was informed there was a good deal of excitement in the North Carolina regiment; shortly after which I received a paper, (the paper C was here shown to witness and verified as the paper he received,) enclosed to me, I think, by General Cushing, calling upon Colonel Paine to surrender his commission. I sent for General Cushing and Colonel Hamtramck, with a view of consulting them as to the course which ought to be pursued in relation to the mutinous condition of the North Carolina regiment, which was considered very alarming. It was decided that something decisive should be done; that several of the officers ought to be dismissed the service—perhaps more harsh measures were suggested. Upon that they left me, I having determined in my own mind what course to pursue. I concluded to discharge but two officers, with two privates; all of whom I supposed to be ringleaders of the mutiny which had occurred the night before. I supposed the two officers to be ringleaders, from the fact that they headed the list calling upon the colonel to surrender his commission, and from the representations that had been previously made to me of their insubordinate conduct towards Colonel Paine. Personally, I knew nothing of their characters. On my dismissing Lieutenants Singletery and Pender and the two privates, the resignations of, I think, twenty-five officers were presented, in consequence, as I supposed, of the dismissal of Lieutenants Singletery and Pender, and perhaps the two privates. How they came to recall their resignations does not now distinctly recur to me; that is, whether it was the result of a conversation one or more of them had with me, or with General Cushing, I can't say. I think I had made up my mind to discharge the whole of them, in case they did not withdraw their resignations. The course pursued produced quiet in the regiment, and restored order; and from that time until I left Saltillo, about the 25th October, I never knew a more quiet, and orderly and subordinate regiment, and greatly improved in discipline.

Question by the court. By what authority did you discharge Lieutenants Singletery and Pender?

Answer. I supposed I had the power to discharge them or any officer of volunteers, by the authority of the letter from Major General Scott, under date of August 20, 1846, (hereto appended and marked S.) Under that authority I had previously discharged several officers of volunteers; but after coming more immediately under the command of Major General Taylor, I did not exercise

this authority, except in extraordinary cases, and then I submitted them to General Taylor, and he always approved of them, as he did in the case now before the court.

(The court here ordered the extract of a letter from Major General Taylor to Brigadier General Wool, under date of the 19th of August, and marked T.)

It is due, however, to myself and to truth to say that I should have dismissed those officers, even had I not had special authority in the case from General Scott, or any one else, for I considered it necessary, in order to prevent a greater evil which, from the representations made to me, I had no doubt would have occurred.

Question by the court. Is it your opinion, or not, that there was a mutiny in the camp of the North Carolina volunteers on the night of the 15th of August last?

Answer. I had no reason then, and have none now, to doubt it, from the excitement which existed; and I was confirmed in my belief at the time by the letter received next morning from a number of officers of the North Carolina regiment, calling upon the colonel of the regiment to surrender his commission, and also from hearing of a letter addressed to General Taylor by a number of officers of the North Carolina regiment, complaining of Colonel Paine's conduct, which letter, however, I had not seen at that time. (See paper marked E, appended to the record.)

Question by the court. What other circumstances, in addition to those you have already mentioned, came to your knowledge, showing an insubordinate and mutinous spirit in the camp of the North Carolina volunteers?

Answer. For some time previous to the 15th of August, the Mississippi regiment being without a colonel and lieutenant colonel, both having resigned, and the major being sick in Saltillo, there was a great deal of insubordination in that regiment, and there appeared to be no officers of the regiment willing or able to control the men. This insubordination was incident, as I supposed, to the canvassing in the regiment for those vacant offices. The electioneering was carried on to a very disgraceful extent, by granting indulgences to the men, and allowing liquor to be introduced into the camp, and permitting the men to violate the rules of the camp by day as well as by night. A portion of officers and men, both, and together, attended the lowest brothels at night. It was under these circumstances I called upon the officers of the day to do their duty, and to exert themselves to correct these evils. Both Colonel Hamtramck and Colonel Paine, I believe, exerted themselves to carry out my orders, paticularly in respect to the duties of guards and sentinels. In doing this, they brought down the censure of the volunteers upon themselves, especially Colonel Paine, who was reported to have been very much annoyed by the insubordinate spirit that was manifested towards him, in a variety of ways. That regiment (the Mississippi) had the habit of bleating at him when he came in the neighborhood, and they could do it at him without being discovered. I think both officers and men of that regiment took exception to the vigilant manner in which the colonel (Paine)

discharged his duties as officer of the day. Similar complaints were made against Colonel Paine by a portion of the Virginia regiment. The result of those circumstances was that Colonel Paine complained to me of this insubordinate spirit being extended to his regiment, and told me that he was extremely apprehensive that his regiment would be destroyed or ruined, and asked me to separate his from the other regiments. I delayed it, in the hope that the evil would be corrected. I refused his application. He nevertheless continued to do his duty faithfully and honestly, I believe, having nothing but the interest of his country at heart, and until the insubordination and irregularities were consummated on the night of the 15th of August last, as heretofore mentioned.

Question by the court. What is your opinion of Colonel Paine as an officer?

Answer. I know of none better; I think him one of the most devoted, attentive, vigilant officers I have ever known in any service; (I do not mean to say that he has had as much experience;) and if his officers generally had been as faithful to themselves and the country as he has been, the disgraceful scenes which took place at Buena Vista, on the night of the 15th of August last, would never have occurred. It is due to Colonel Paine to say that, in all the conversations I have ever had with him, he seemed to have no other objects in view than to do his duty faithfully in all respects, and to make his own the very best regiment in service. I thought his whole soul was wrapt up in perfecting his regiment.

The court adjourned to meet to-morrow at 10 o'clock, a. m.

THIRTY-FIFTH DAY.

Monterey, Mexico,
Tuesday, March 14, 1848.

The court met pursuant to adjournment.

Present: All the members and the judge advocate.

Examination of Brigadier General Wool continued:

In explanation of his testimony given yesterday, the witness added, that he desired to say, that the insubordination in the Mississippi regiment only began after the colonel and lieutenant colonel had left the regiment, and the major had been taken sick. Previously, the regiment had behaved very well.

Question by the court. What has been the practice in our service, so far as you know, in reference to the discharge of volunteer officers from service, while in the field?

Answer. The general practice has been to discharge them on the tender of their resignations, or on application to be discharged the service. That has been the practice both with General Taylor and myself. I have discharged none summarily since I entered on the duties which called me to Mexico, except Lieutenants Singletery and Pender. A number have been compelled to resign, who would

not have done so but from fear of dismissal. For instance—an officer brought some strumpets from New Orleans, and introduced one as his wife, with the view of obtaining a passage by sea for her, and afterwards left his company for the purpose of going with them by land. When he afterwards joined, I told him I would dismiss him, if he did not resign.

Two others were forced to resign for habitual drunkenness, and their excesses went to such an extent that their immediate commanding officer was obliged to order them to be kept under arrest, in order to get them sober, to write their resignations.

Question by the court. Has the question, whether or not a commanding general, in the field, has a right to discharge volunteer officers against their will, ever, to your knowledge, been raised in our service, previous to the discharge of Lieutenants Singletery and Pender, in August last?

Answer. No. When I was commanding in the Cherokee nation, I dismissed one, if not two, volunteer officers summarily. I was in command, at the time, of volunteers from Georgia, Tennessee, and Alabama. I believe those discharged belonged to the Tennessee troops. The question as to my right to discharge, in those cases, has never, to my knowledge, been raised. I deem the power essential, for the reason that courts martial composed of volunteer officers are, generally, very mild in their sentences and awards, such as are wholly inadequate to the preservation of discipline and subordination; at least, the officers do not dread these tribunals.

Question by Colonel Paine. Will you state if, in the conversation which you had with officers of the North Carolina regiment, relative to the paper calling on Colonel Paine to surrender his commission, what reason was given for signing such a paper?

Answer. I do not recollect what was said on the occasion. The paper did not come to me from officers direct, but I received it from General Cushing or Colonel Paine.

Question by Colonel Paine. Do you, or not, consider that the manner in which Colonel Paine discharged his duties while at Buena Vista, rendered him justly obnoxious to the officers or soldiers of the brigade to which he was attached?

Answer. I think his conduct ought not to have rendered him obnoxious to the troops. On the contrary, I think the manner in which he did discharge his duty should have raised him in the estimation of all under his command; and my opinion is, and was, that every good officer ought to have sustained him. I think Colonel Paine only endeavored to carry out my orders.

Question by Colonel Paine. Were, or were not, similar insults, such as you have spoken of as being offered to Colonel Paine by soldiers of the Mississippi regiment at Buena Vista, also offered to other officers under your command at that post?

Answer. Yes; instances occurred of which I was myself witness.

Question by Lieutenant Singletery. When you ordered the sum-

mary dismissal of certain officers in the Cherokee country, how long was it before their terms of service would have expired?

Answer. It was very soon after they were received into service; and their dismissal had a very salutary effect, as I had no trouble afterwards. It produced the same effect then that it did in the recent case of the dismissal of Lieutenants Singletery and Pender; it restored quiet and subordination in the regiment.

The witness desired to remark, in explanation of his testimony given yesterday, that he meant his remarks, regarding the officers of the North Carolina regiment, to apply to those of the regiment who were on duty at Buena Vista, and especially to those who had signed the paper calling upon Colonel Paine to surrender his commission. Further, that there are several officers belonging to that regiment of whom I entertain the highest opinion, viz: Lieutenant Colonel Fagg, Major Stokes, Captains Henry and Buck, and there are others, whose names I do not recollect.

The court adjourned to meet to-morrow, at 10 o'clock, a. m.

THIRTY-SIXTH DAY.

MONTEREY, MEXICO,
Wednesday, March 15, 1848.

The court met pursuant to adjournment:

Present: all the members and the judge advocate, recorder.

Examination of General Wool continued:

Question by Colonel Paine. Has, or has not, an officer a right to demand a court martial, or trial, for any cause for which he may be in arrest?

Answer. No.

Question by Colonel Paine. Has, or has not, any attempt ever been made by you to induce Lieutenant Singletery to withdraw his request for a court martial, while at Buena Vista?

Answer. I told Lieutenant Singletery that he had no right to demand a trial unless charges were preferred against him; that it rested with the officer who arrested him whether he would bring him before a court martial. The arrest in this case was confirmed by myself.

Question by Colonel Paine. Did you, or not, ever attempt to intimidate Lieutenant Singletery upon his asking a court martial, or at any other time, while at Buena Vista?

Answer. No; at the time he refers to, there was no cause for exerting intimidation. In the conversation I had with Lieutenant Singletery, my object was to instruct him regarding the regulations; that he could not ask for a court for his trial unless charges were preferred against him, which was not the case, so far as I knew. Lieutenant Singletery seemed to be wholly ignorant of the rules governing in such cases, and I endeavored to explain them to him.

Question by Colonel Paine. Will you state whether or not Colonel Paine, while at Buena Vista, ever attempted to prejudice you against any officer or officers of the North Carolina or any other regiment or corps?

Answer. He did not. Colonel Paine manifested a great deal of anxiety about his regiment, and expressed a great deal of apprehension that the insubordinate spirit manifested towards him by the other regiments would seriously influence his own regiment, and he, in consequence, requested that his regiment might be separated from the others. He spoke of the insubordinate conduct of Lieutenants Singletery and Pender, but had no desire to proceed to extremities with them, in the hope they would see the error of their ways and correct them.

Question by Colonel Paine. Will you state whether or not Colonel Paine induced, or attempted to induce, you to discharge Lieutenants Pender and Singletery, or either of them, from the service?

Answer. He did not.

Question by Colonel Paine. Will you state whether or not Colonel Paine ever attempted in any manner to influence you in the discharge of Lieutenants Pender and Singletery, or of either of them?

Answer. He never has.

Question by Colonel Paine. Do you, or not, remember that Lieutenant Singletery, soon after being discharged by you, requested by note an investigation of his conduct on the night of the 16th August; and will you state whether, or not, in your refusal to recall his discharge, you were influenced in any manner by Colonel Paine in making that refusal?

Answer. I think Lieutenant Singletery did so apply for an investigation of his conduct. My course in the case was not influenced by Colonel Paine in any manner whatever. I don't recollect having seen Colonel Paine in the interim. I do not recollect that Colonel Paine at any time recommended any particular course for me to pursue towards Lieutenants Singletery and Pender; my conduct towards them was altogether influenced by circumstances as they arose.

Question by Colonel Paine. Will you state what induced you to order Lieutenants Singletery and Pender, after they were discharged, to leave Saltillo?

Answer. It was represented to me that they were engaged in exciting the North Carolina regiment against the colonel. Lieutenant Pender applied to remain in Saltillo, to attend upon a relative (Captain Pender) who was very sick. I think it was stated to me that Captain Pender would probably die, and that Lieutenant Pender desired to stay in order to take his remains home. I consented on condition he would abstain from interfering with the regiment, or from exciting it against the colonel. It was afterwards represented to me, by whom I do not recollect, that as long as Pender was permitted to remain in Saltillo, there would be no peace in the regiment, and that instead of attending upon his relative he was

gambling. Upon this I sent an order to Major Washington, governor of Saltillo, to send him to Monterey forthwith. Before this order was executed, another application was made to me for permission for Lieutenant Pender to remain; and, in consequence of assurances that he would refrain from gambling and give his attention to Captain Pender, I left it discretionary with Major Washington, governor, to permit him to remain.

Question by Colonel Paine. You have stated that an insubordinate spirit towards Colonel Paine existed in the Mississippi regiment, will you state whether or not you had reason to know that such a spirit was manifested towards Colonel Paine by the soldiers of any other and what corps while at Buena Vista?

Answer. Such a spirit was manifested by portions of both of the Virginia and Mississippi regiments. It was represented to me that this feeling existed to such an extent that Colonel Paine was in danger of assassination. These representations were made to me on the nights of the 15th August and 16th August, and greatly influenced me in adopting the course I pursued in discharging Lieutenants Singletery and Pender. They were dismissed because they headed the list calling upon the colonel to resign.

Question by Lieutenant Singletery. Have you, or not, in possession a note sent by Lieutenant Singletery at the time of the arrest spoken of?

Answer. I have not such a note. If it exists, it must be in the office of the assistant adjutant general, Captain McDowell.

Question by Lieutenant Singletery. Do you, or not, remember that Lieutenant Singletery said anything which indicated that he thought he had a right to demand a trial?

Answer. My impression is that he thought that he could claim a trial.

Lieutenant Singletery, at his own request, made the following statement under oath:

In the conversation with General Wool referred to, all was said that has been stated, and much more. But my application to him was not for a trial, but for the extension of limits while awaiting that trial, which had already been promised by Colonel Paine. I was well aware of the fact that I had no right to *demand* a trial, and never once thought of doing such a thing. I was, of course, not at liberty to interrupt General Wool in what he was saying, by telling him that I knew all that before. Whether or not he intended to intimidate me, I cannot positively say, but I know that such was the inference at once drawn by myself from what he said. It was represented to me that I would have to remain in arrest for a considerable length of time, confined to my tent, which it was remarked, would be very disagreeable. When I stated I was willing to wait and did not fear the result of a trial, I was reminded that the decision of the court was subject to the approval or disapproval of higher authority. I thought, and still think, these things warranted the inference I drew from what was said. I was, of course, bound to listen to all that was said, though it

had reference, for the most part, if not altogether, to another point than that on which I had made application to him. If I was understood by General Wool to suppose that I had a right to *demand* a trial, it was an entire misapprehension.

Colonel Paine, by permission of the court, made the following statement under oath:

I stated, in reference to Lieutenant Singletery, as officer of the guard at Buena Vista, that after tattoo, I visited the left flank guard. I walked my horse towards the guard, and the guard had time to form before I came up. I passed slowly between the sentry before the guard, and the guard not more than 15 feet from Lieutenant Singletery, who was officer of the guard. I went some 80 or 100 yards beyond the chain of sentinels; no attempt was made to halt me, nor was I challenged by any one. Finding that I was not noticed, I turned my horse and went back in the same direction, passing the guard and sentry, as before, without being challenged by any one.

After passing within the lines about the same distance I had gone out, I returned to the guard, arrested Lieutenant Singletery, and ordered him to his tent, taking his sword, which I carried to the adjutant; at the same time directing him to detail an officer, in the place of Lieutenant Singletery. I then went over to General Wool, and reported the facts as they had transpired, and what I had done. Some conversation passed between us in relation to the reason of this negligence, on the part of Lieutenant Singletery, and I think I told General Wool that I did not impute it to intention on the part of Lieutenant Singletery, and with his permission, I would return him to duty in the morning, which he granted. I then went to the left flank guard, and, I think, sent the sentry (whose post I had previously passed without his halting me) to the provost guard. I think that was my object in returning to the guard. I then passed through the left wing of my encampment and in front of the tent of Lieutenant Singletery, and in the next company beyond his, I saw Lieutenant Singletery come out of the tent of Captain Roberts. I think I stopped my horse, and expressed my astonishment at seeing him there, when he had been ordered to his tent. He said he did not intend by coming there to break his arrest, but that he wished to see me, and desired to know if he could speak to me. I told him yes; and he then asked for what he had been arrested. I replied for neglect of duty, in suffering me to pass the line of sentinels without being challenged. He said that was not his fault, but that of the sentry. I told him that the sentry might have neglected his duty, but that he had also neglected his, for it had occurred in his presence, and it was his office to see that the sentry discharged his duty properly. I then reminded him that he should go to his tent, and rode off. After proceeding some 30 or 40 yards, I happened to turn my head, and saw him still standing where I had left him. I halted, and asked him why he did not obey the order I had given him.

The court adjourned, to meet to-morrow, at 10 o'clock, a. m.

THIRTY-SEVENTH DAY.

MONTEREY, MEXICO, *Tuesday*, *March* 16, 1848.

The court met pursuant to adjournment. Present, all the members, and the judge advocate, recorder.

Continuation of Colonel Paine's statement:

He made no reply, and remained where he was; and, going up towards him, I repeated the order, in an authoritative and very stern tone, telling him to go to his tent, on the instant; and it was not till then that he moved. In the morning, early, I directed the adjutant to carry his sword to him, and order him to return to duty; and I received a report from the adjutant that he declined receiving his sword, but insisted upon a court martial; and desired that the adjutant would take his sword back to me, which he refused to do. I do not remember whether I sent for Lieutenant Singletery, but I nevertheless saw him a few minutes after, I think near Major Stokes's tent, and I asked him the reason of his conduct that morning. He told me that he desired to have a trial. I replied that, perhaps he was not fully aware of what he had done; but that, so far as I was concerned, he should have a trial; that he would go back to his tent; that he was still in arrest. I then went to General Wool and stated to him what had occurred, and remarked, that Lieutenant Singletery should have a trial, if I could give him one. The general replied that he had no right to a trial, under any circumstances, and that it should not be granted to him, in this instance, as a matter of favor, because of the insubordinate manner in which he had acted. I remarked, then, that I could not let his conduct pass without some punishment, and that I therefore desired he might be continued in close arrest; to which the general consented, and he continued in arrest, accordingly, for several days.

Question by Lieutenant Singletery. After you had returned his sword to Lieutenant Singletery, for what insubordinate conduct was it that you desired to continue the arrest?

Answer. It was his conduct, altogether, the night before, and in refusing to receive his sword.

Lieutenant Pender here made the following statement, under oath:

In relation to the representations made to General Wool, which he mentioned in his testimony of yesterday, that I neglected Captain Pender, and that my time was absorbed in the occupation of gambling; that I, after my discharge, used any means whatever to destroy the harmony of the regiment, or endeavored, in any manner, to incite any feelings of insubordination in the regiment, they are untrue. I, however, endeavored to secure some certificates of character, and of indisposition, at the time of said occurrence. Instead of inciting any improper feelings, my last words to my company were, (they having expressed the desire to go with me,) to remain quiet, and ever to be obedient to orders.

Captain Irwin McDowell, assistant adjutant general, witness, called at the request of Colonel Paine, duly sworn.

Question by Colonel Paine. In what official capacity were you acting, during the connexion of Colonel Paine with the brigade at Buena Vista?

Answer. The assistant adjutant general of the troops under command of General Wool.

Question by Colonel Paine. Will you state in what manner Colonel Paine discharged his duty, as an officer, while at Buena Vista?

Answer. So far as my observation went, from having seen him drill his regiment two or three times, and from his official reports, as officer of the day and colonel of his regiment, I judged him to be, and now consider him, a most zealous and conscientious officer in the discharge of his duties.

Question by Colonel Paine. Will you state what you know as to the number of desertions from each of the volunteer regiments stationed at Buena Vista?

Answer. It appears, from the returns in the adjutant general's office, that from May, 1847, to February, 1848, both inclusive, there were thirty desertions from the Virginia regiment, ten from the Mississippi regiment, and none from the North Carolina regiment. (See paper marked N, hereto appended.)

Question by Colonel Paine. Were or were not any charges preferred against Colonel Paine by any officers of the North Carolina regiment, while you were assistant adjutant general at Buena Vista?

Answer. I know of no charges, further than those sent to General Taylor, and by him referred to General Wool, in the form of a letter; which letter did not pass through my office, nor was I knowing to its being sent.

The court adjourned, to meet to-morrow at 10 o'clock, a. m.

THIRTY-EIGHTH DAY.

Monterey, Mexico, *Friday*, *March* 17, 1848.

The court met pursuant to adjournment. Present, all the members, and the judge advocate, recorder.

Examination of Captain McDowell continued:

Question by Lieutenant Singletery. What portion of the desertion from the Virginia and Mississippi regiments occurred prior to the 15th August?

Answer. There were *seven* from the Mississippi, and *eight* from the Virginia.

The court adjourned, to meet to-morrow at 10 o'clock, a. m.

THIRTY-NINTH DAY.

MONTEREY, MEXICO, *Saturday*, *March* 18, 1848.

The court met pursuant to adjournment. Present, all the members, and the judge advocate, recorder.

On motion, resolved, that the court of inquiry has received, with feelings of deep regret, intelligence of the decease of Juan José Garcia, "cura y rector" of Monterey; and entertaining great respect for his high reputation for learning, piety, and virtue, the court adjourn till Monday, the 20th March, at 10 o'clock, a. m.

FORTIETH DAY.

MONTEREY, MEXICO, *Monday*, *March* 20, 1848.

The court met pursuant to adjournment; all the members present. The judge advocate being indisposed, at the request of the court, Major Cass acted as recorder.

Major Washington was called, at the request of Colonel Paine, and duly sworn.

Question by Colonel Paine. Were you on duty, at or near Buena Vista, while Colonel Paine was stationed with the North Carolina regiment there, and will you state what was the character of Colonel Paine, as an officer?

Answer. I was on duty near Buena Vista, at the time Colonel Paine was stationed there. The artillery camp, in which I was stationed, being separate from the infantry camp, in which Colonel Paine was stationed, I did not see a great deal, personally, of Colonel Paine, but always understood he maintained the highest character as an officer and a soldier. When, occasionally, I was thrown into company with Colonel Paine, and exchanging ideas upon military subjects, I found him extremely correct in all his opinions in regard to discipline.

Lieutenant Singletery, at his own request, here took the witness stand, and made the following statement:

If the statement of Colonel Paine concerning the cause of my arrest, as officer of the guard at Buena Vista, had been made before the court adjourned to this place, I would have introduced other witnesses to substantiate what I have before stated, in every particular. It has, however, been delayed till the present time, when it is impracticable to do so; or at least it is understood the court will not allow it. Under these circumstances, I desire to lay before the court another statement on my own part, in relation to that affair. As to the first instance in which Colonel Paine passed the chain of sentinels, I never heard of it, till it was mentioned by him to the court. He certainly did not pass in my sight, and although I will not be positive, I am very confident I was at that

time in the tent of the officer of the guard, reading. I only know that when I first saw him, he was on his horse, a short distance without the line. That while I was rousing some men of the relief whose turn it was to sleep, I turned, hearing the sound of his horse's feet, and saw him riding off in a gallop within the lines. Immediately on learning that the sentinel had not hailed him, I went into the tent and wrote a note to the officer of the day, stating that I did not consider this man fit for duty as a sentinel, and asked what I should do with him. I had barely finished it when Colonel Paine again approached. This time I know that he was properly challenged, for I stood by the sentinel, and repeated the words he was to use. I cannot see, under these circumstances, wherein I allowed any neglect of duty to pass unnoticed under my observation. I know that I had been unusually careful that day in giving instructions to the guard, particularly with regard to the proper forms of challenging, and there was not probably a member of the guard who had not been on duty as a sentinel at least a hundred times before. If after that, any sentinel remained ignorant of the fact that it was his duty to halt all who approached him at night, it ought surely to be ascribed to some other cause than the negligence of the officer of the guard. Colonel Paine has further stated, that he ordered me to my *tent*. This may have been the word he used; I thought and still think he said quarters. At any rate, I knew that officers in arrest in the regiment had not been confined to their tents, and I did not understand that such a thing was intended in my own case. In relation to the conversation in front of Captain Roberts's tent, it all occurred precisely as I before stated. I well remember that an officer who was present, said to me the next day, that he was very glad that I acted as I did; that he was afraid, from the manner in which Colonel Paine spoke to me, I would be led to say or do something improper. I asked him particularly if I had said or done anything to which Colonel Paine could take any exception. He said, no. I am unable to see, so far, wherein my conduct was insubordinate; and the fact that Colonel Paine released me the next morning, would be sufficient on this point without other evidence. He was certainly not bound to do so because he had obtained permission, if any subsequent conduct rendered me deserving of further punishment. Nor do I understand why he asked for permission; he certainly had the full right to do so without it. In reply to question put by myself, the only act of insubordination *specified* by Colonel Paine, was, that when the adjutant carried me my sword the next morning, I *refused* to take it. This is positively and unqualifiedly false. I told the adjutant that I would prefer to be tried by a court martial, and that I *wished* he would take back my sword and tell the colonel what I had said. This he avoided, and I did not press it. I was not sent for by Colonel Paine, but went to see him of my own accord. It has been admitted and proved, that I did not at the time act in a manner disrespectfully towards Colonel Paine. And what then occurred has already been proved by the testimony of other witnesses. Colonel Paine replied to my request for a trial,

"Certainly, sir, if you wish it." (See the evidence of Major Stokes.) The facts, then, stands thus: I was freed from arrest; I was bold enough or insubordinate enough to request a trial, being anxious to prove that I had been guilty of no fault, as the stigma of arrest, of course, implied. I was immediately ordered into close confinement. Let it be decided by these facts, if the inference was not fair, that I was placed in close confinement because I had requested a trial; I thought so then, and think so still.

All the witnesses having been examined, whose testimony was supposed by the court to be of importance, except Lieutenant Colonel Fagg, still absent from the country, the court adjourned to meet to-morrow at 10 o'clock, a. m.

FORTY-FIRST DAY.

MONTEREY, MEXICO,
Tuesday, March 21, 1848.

The court met pursuant to adjournment.
Present: all the members and the judge advocate.

In consequence of the indisposition of a member, the court adjourned till to-morrow, at 10 o'clock, a. m.

FORTY-SECOND DAY.

MONTEREY, MEXICO,
Wednesday, March 22, 1848.

The court met pursuant to adjournment.
Present: all the members and the judge advocate, recorder.

The court having, since its last meeting, received the painful intelligence of the death of ex-President Adams, as a mark of respect to the deceased patriot and statesman, and in accordance with the orders of the President of the United States, adjourned till to-morrow, at 10 o'clock, a. m.

FORTY-THIRD DAY.

MONTEREY, MEXICO,
Thursday, March 23, 1848.

The court met pursuant to adjournment: present all the members and the judge advocate, recorder.

After deliberating on the testimony, the court adjourned till to-morrow, at 10 o'clock, a. m.

FORTY-FOURTH DAY.

MONTEREY, MEXICO,
Friday, *March* 24, 1848.

The court met pursuant to adjournment: present, all the members, and the judge advocate.

After deliberating on the testimony, the court adjourned.

FORTY-FIFTH DAY.

MONTEREY, MEXICO,
Saturday, *March* 25, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate.

In consequence of the absence of Lieutenant Colonel Fagg, North Carolina regiment of volunteers, a witness, whose testimony is desired by one of the parties before the court, and who is daily expected from the United States, the court adjourned, to meet on Wednesday, the 29th March, at 10 o'clock, a. m.

FORTY-SIXTH DAY.

MONTEREY, MEXICO,
Wednesday, *March* 29, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate.

After deliberating on the testimony, the court adjourned till to-morrow, at 10 o'clock, a. m.

FORTY-SEVENTH DAY.

MONTEREY, MEXICO,
Thursday, *March* 30, 1848.

The court met pursuant to adjournment; and, after deliberating on the testimony, adjourned to meet to-morrow, at 10 o'clock, a. m.

FORTY-EIGHTH DAY.

MONTEREY, MEXICO,
Friday, *March* 31, 1848.

The court met pursuant to adjournment.

In consequence of the absence of Colonel Tibbatts, engaged on other duty, the court adjourned till to-morrow, at 10 o'clock, a. m.

FORTY-NINTH DAY.

MONTEREY, MEXICO,
Saturday, *April* 1, 1848.

The court met, deliberated on the testimony, and adjourned till Monday, at 9 o'clock, a. m.

FIFTIETH DAY.

MONTEREY, MEXICO,
Monday, *April* 3, 1848.

The court met pursuant to adjournment; and, after deliberating on the testimony, adjourned, to meet to-morrow, at 9 o'clock, a. m.

FIFTY-FIRST DAY.

MONTEREY, MEXICO,
Tuesday, *April* 4, 1848.

The court met; and, after deliberating on the testimony, adjourned, to meet to-morrow, at 9 o'clock, a. m.

FIFTY-SECOND DAY.

MONTEREY, MEXICO,
Wednesday, *April* 5, 1848.

The court met; and, after deliberating on the testimony, adjourned, to meet to-morrow, at 9 o'clock, a. m.

FIFTY-THIRD DAY.

MONTEREY, MEXICO,
Thursday, April 6, 1848.

The court met pursuant to adjournment. Colonel Tibbatts being absent, the court adjourned, to meet to-morrow, at 10 o'clock, a. m.

FIFTY-FOURTH DAY.

MONTEREY, MEXICO,
Friday, April 7, 1848.

The court met pursuant to adjournment: present, all the members and the judge advocate, recorder.

Lieutenant Colonel J. A. Fagg, North Carolina volunteers, witness, called at the request of Colonel Paine, duly sworn.

Question by Colonel Paine. Were you present on the evening of the 14th of August last, when a disturbance occurred in the camp of the North Carolina volunteers at Buena Vista; and if so, state what occurred.

Answer. I was present on that evening; I was officer of the day; I visited the hacienda late in the evening. When I returned to camp I was very unwell, and confined to my tent. While I was taking a cup of coffee, I heard a considerable noise in the direction of Colonel Paine's tent, laughing, &c. I supposed at the time that something occurring among the officers had given rise to the merriment. In a very short time, Dr. MacRea came to my tent door, and told me there was quite a crowd out near the colonel's tent. I then stepped out of my tent; saw a large crowd collected around the wooden horse; I ordered them to disperse; they did not do so. I then ordered out twenty men from company D. It was with great difficulty that I succeeded in getting any men to turn out. And, finally, I got four or five only. The sergeant appeared to be much alarmed, and seemed not to know what he was about; and but for the assistance of Lieutenant Nicholls, I doubt if I should have got any men. I ordered them to charge their pieces; at which time the mob dispersed. From their dress, I took them to be from the Virginia and Mississippi regiments. The crowd, as well as I remember, amounted to considerably over a hundred men. I retired to my tent after the crowd had dispersed. Everything was quiet, as well as I recollect, until after tattoo. A very short time after roll-call I heard a considerable noise in the rear—braying, neighing, and hallooing. I went out again, and I think I ordered out the whole of company E. I ordered them to charge their pieces, to go in the direction of those disorderly persons, and disperse them. And if they offered any resistance, to fire by file, until they had arrested or dispersed them. The lieutenant went in the direction of those disorderly persons, and I suppose they dispersed; I heard nothing more of them. This occurred in the camp of the North Carolina regiment, at Buena Vista.

Question by Colonel Paine. When you ordered the soldiers of company E to charge their pieces and fire if any resistance was offered by the disorderly persons, was any response made to your order?

Answer. There was a response. Some one said, "damn strong orders," or "severe orders;" something to that effect was said. I don't recollect precisely now.

Question by Colonel Paine. Do you know by whom the response was made, and from what direction it came?

Answer. I do not know; the impression on my mind at the time was that it proceeded from some officer. I thought it strange at the time, but I am convinced there were officers in the crowd, who appeared to be mere lookers on. They seemed to take no interest in suppressing the disturbance.

Question by Colonel Paine. Were any company officers of the North Carolina regiment present at the scene of the disturbance, of which you spoke in your answer to the first question; and if so, did they or not attempt to suppress the disorder, or offer any assistance in suppressing it?

Answer. There were officers present. I received no assistance from any officers except from Lieutenant Nicholls.

Question by Colonel Paine. Do you remember what officers were present on the evening or night of the 14th August last, at the scene of the disturbances of which you speak?

Answer. I do not.

Question by Colonel Paine. State what you know of the disturbances on the night of the 15th August last, in the camp of the North Carolina volunteers, at Buena Vista, the night on which the pistol was fired in camp.

Answer. Some time after dark, on that night, I was in my tent, very sick; I was vomiting and in the rear of my tent. I heard a considerable number of persons laughing and talking. They passed on in a short time. I think it was but a short time after they had passed, that Colonel Paine came to my tent. He told me there was another mob. I am not positive about this, but I think he told me at that time, they had been throwing rocks at his tent. There was some conversation then passed between Colonel Paine and myself, as to what he should do towards dispersing those individuals. I think I inquired of Colonel Paine, whether his arms were loaded. As well as I recollect, he stated they had been for some time. I then told him to take my pistols, that they were better than his, and if necessary, to shoot, and damn them, to continue to shoot. Colonel Paine then took my pistols; he retired. A short time after, I heard Colonel Paine hail, as I suppose, the mob. He ordered them to halt three different times, loudly and distinctly. If you do not halt I will fire. Some one replied, "shoot and be damned," at which time the pistol was discharged. I heard some person halloo, and I was informed, in a short time after, that one of our men was shot through the body, and a man of the Virginia regiment shot in the hand. The mob, I think, then dispersed.

Question by Colonel Paine. When did you join the North Caro-

lina regiment at Buena Vista, and how long had the regiment been stationed there before your arrival?

Answer. I joined the regiment the 2d day of July, at Buena Vista. I understood it had been stationed there some ten or fifteen days previous; I am not positive as to this.

Question by Colonel Paine. Do you know what was the conduct of the soldiers of the Virginia and Mississippi regiments towards Colonel Paine at Buena Vista.

Answer. It was very bad. It was a common rumor in camp that this bad conduct proceeded from Colonel Paine's requiring from them a strict discharge of their duty as sentinels. Their bad conduct was evinced by braying, neighing, &c., whenever Colonel Paine passed the lines. It was also a rumor in camp that men belonging to the Mississippi and Virginia regiments had threatened to take Colonel Paine's life.

Question by Colonel Paine. Were these insults and threats to Colonel Paine generally known amongst the officers of the North Carolina regiment?

Answer. I can't say, of my own knowledge, that they were generally known; but I can't see how they could avoid being known.

Question by Colonel Paine. Did you, at the time of the disturbances, know of any disaffection existing towards Colonel Paine amongst the companys' officers of the North Carolina regiment?

Answer. There was disaffection at that time.

Question by Colonel Paine. Did you or not know from what this disaffection towards Colonel Paine proceeded.

Answer. I understood it proceeded from the discipline which Colonel Paine established in his regiment.

Question by Colonel Paine. Will you state whether or not Colonel Paine ever required, from any officer or soldier under his command, the discharge of any other duty than such as was required by the orders of General Wool, or the rules of the service.

Answer. Never to my knowledge.

Question by Colonel Paine. Will you state whether or not Colonel Paine required, from all officers and soldiers under his command, a faithful discharge of their several duties?

Answer. He did.

Question by Colonel Paine. Will you state whether or not Colonel Paine himself observed strictly all rules for the good order, discipline, and instruction, of his regiment?

Answer. He did.

Question by Colonel Paine. Did or did not Colonel Paine ever permit, to your knowledge, a violation of orders, or breach of discipline, to pass unnoticed?

Answer. Never.

Question by Colonel Paine. Will you state whether or not there was difficulty in enforcing obedience to orders from officers and men of the North Carolina regiment while at Buena Vista?

Answer. I have heard Colonel Paine complain frequently. I have had frequent cause of complaining also, myself, that it was difficult to have orders obeyed.

Question by Colonel Paine. Did it, or did it not, in your opinion, require the personal interference and attention of Colonel Paine to obtain from the soldiers of the North Carolina regiment, at Buena Vista, prompt attention to their duties in camp?

Answer. It did.

Question by Colonel Paine. Will you state if you have ever considered Colonel Paine's conduct towards the officers of his regiment, on drill or elsewhere, disrespectful to them.

Answer. I never have so considered it. Colonel Paine's intercourse has never been familiar with his officers, at least not to the extent I have seen in some of the regiments. I think it proper to state that a person not well acquainted with Colonel Paine, might consider him a man rather distant, and never familiar even with his best friends.

Question by Colonel Paine. Have you or not considered Colonel Paine, in his rules of discipline, or in his manner of enforcing it, tyrannical or overbearing?

Answer. I have not considered him tyrannical or overbearing. I have sometimes thought he might have effected as much in a milder way.

Question. Was any part of the camp assigned to you at Buena Vista for your particular superintendence?

Answer. Yes, the right wing was assigned to me.

Question by Colonel Paine. What was the state of A company, North Carolina regiment, in camp at Buena Vista, up to the 15th August last, as regards the personal appearance of the men?

Answer. It was bad.

Question by Colonel Paine. Was there or not a very great improvement in the soldiers of A company, North Carolina volunteers, in a very short time after Captain Buck took command of it?

Answer. There was.

Question by Colonel Paine. At what time did you leave the North Carolina regiment; and, at the time of your departure, what was the condition of A company, compared with the other companies of the regiment?

Answer. I think I left it about the 25th October, 1847. A company was in a superior condition to most of the other companies there. All our companies were in good condition at that time, but there appeared to be more pride in A company than in any other.

Question by Colonel Paine. Did you, or not, notice any acts of an insubordinate character on the part of Lieutenant Singletery previous to his discharge on the 16th August last?

Answer. I had noticed such acts. There was considerable complaint about Lieutenant Singletery. I think he was in arrest several times. Colonel Paine and myself conversed in reference to him a number of times. I think I asked Colonel Paine "What, in the name of God, Lieutenant Singletery meant?" The reason why I thus asked Colonel Paine was because, from previous conversation in regard to Lieutenant Singletery, I considered Colonel

Paine well disposed towards him, as I was myself. I felt a deep interest in him. I once visited the guard at a late hour of the night; Lieutenant Singletery was in charge of the left guard. As I approached the guard tents, I was hailed by the sentinel. I discovered a man in rear of the guard tent putting on his accoutrements. I ordered the sentinel to note that man. I then called for the officer of the guard three times. He finally answered. He stated he could not recognize me until the countersign was communicated to him. I then ordered him to note that man who was putting on his accoutrements at the corner of the tent. He suffered the man to pass between him and the tent, and failed to report him, when I thought it was completely in his power to have done so. In making my report the next morning to General Cushing, I mentioned this matter to him, and asked him what I should do, telling him that I disliked to arrest Lieutenant Singletery, from the fact that he was a young man whom I had thought well of, and that it appeared he was hardly out of one difficulty before he fell into another; that, therefore, unless he ordered differently, I should let the matter pass by.

Question by Colonel Paine. Did you, or not, consider that a mutiny took place in the camp of the North Carolina volunteers, on the night of the 15th August last?

Answer. I did.

Question by Lieutenant Singletery. When you saw the man putting on his accoutrements, in rear of the guard tent, was, or was not, Lieutenant Singletery in front?

Answer. As well as I recollect, they were both on a line with the guard tent. I was very much astonished at the circumstance, as the orders were very peremptory in regard to not taking off accoutrements. I thought Lieutenant Singletery, from his position, could see the man.

Question by Lieutenant Singletery. Did, or did not, Lieutenant Singletery assure you that he did not see the man, and endeavor to ascertain who he was?

Answer. Not that I recollect. I think if he had made such a statement to me, that, with the feelings I entertained towards him, I would not have mentioned the matter to General Cushing.

Question by the court. Did, or did not, Colonel Paine, in your opinion, receive from the company officers of his regiment that support to which he was entitled, and which it was their duty to render on the nights of the 14th and 15th of August, 1847?

Answer. I do not think he did.

Question by the court. Did you, or not, perceive any change in the discipline and conduct of the North Carolina regiment after the discharges of Lieutenants Pender and Singletery; and, if so, of what character was it?

Answer. I think there was a change; it was for the better, both among the officers and men.

Lieutenant Singletery here requested to place on the record the following statement, to which the court consented:

I did refuse to recognize Colonel Fagg, on the occasion referred

to, until he had communicated the countersign, which I conceived to be my duty; but I did not see the man who was putting on his accoutrements, and assured Colonel Fagg of this at the time. I furthermore endeavored to ascertain who the man was, by examining the guards, and I never knew, until the present time, that Colonel Fagg was in any way dissatisfied with my conduct on that occasion.

The court adjourned to meet to-morrow, at 9 o'clock, a m.

FIFTY-FIFTH DAY.

MONTEREY, MEXICO,
Saturday, *April* 8, 1848.

The court met and adjourned over to Monday, April 10, at 10 o'clock, a. m.

FIFTY-SIXTH DAY.

MONTEREY, MEXICO,
Monday, *April* 10, 1848.

The court met pursuant to adjournment, and, after deliberating on the testimony, adjourned to meet to-morrow, at 10 o'clock, a. m.

FIFTY-SEVENTH DAY.

MONTEREY, MEXICO,
Tuesday, *April* 11, 1848.

The court met pursuant to adjournment. Present: All the members and the judge advocate.

Finding of the Court.

After careful consideration of all the testimony, the court unanimously agree that the following material facts are established, viz:

1st. Previous to the 15th August, 1847, there existed in the North Carolina regiment of volunteers a feeling of dissatisfaction and discontent towards Colonel Paine, on the part of several officers of his regiment, chiefly in consequence of the strict discipline which he required from his command.

2d. On the 7th August, 1847, eight company officers of the North Carolina regiment addressed a joint letter directly to Major General Z. Taylor, in which complaint is made of Colonel Paine's conduct.

3d. Previous to the 15th August, while the North Carolina regiment was stationed at Buena Vista, frequent threats of personal violence were made against Colonel Paine, by soldiers of the volunteers regiments encamped at Buena Vista, in consequence of his requiring from them, when field officer of the day, a strict and faithful performance of their duty.

4th. Highly insubordinate and mutinous conduct on the part of privates of the Virginia regiment, and in which privates of the Mississippi and North Carolina regiments also participated, was exhibited in the camp of the North Carolina regiment, at Buena Vista, on the evening of the 14th August, 1847; during which occurrences, a wooden horse, constructed as an instrument of punishment, which had been placed near the tent of Colonel Paine, was thrown down and partially destroyed.

5th. On the night of the 15th of August, 1847, numerous stones, of a large size, were thrown by a mutinous party of soldiers against the tent of Colonel Paine, while he was therein; and, likewise, at himself, while standing in one of the streets of the camp.

6th. On the night of the 15th of August, 1847, there was much disorderly conduct in the camp of the North Carolina regiment, and, after tattoo, a mutinous party of men, composed of soldiers belonging to the Mississippi, North Carolina, and Virginia regiments—but chiefly from the latter—assembled in the camp of the Virginia regiment, near the camp of the North Carolina volunteers; while there, they evinced in their language and conduct intentions of violence towards Colonel Paine, together with other mutinous designs. They then proceeded in the direction of Colonel Paine's tent; Colonel Paine observed their approach and advanced towards them; they immediately ran, and he ordered them to halt, threatening to fire upon them; this order they refused to obey. A voice replied, "fire, God damn you!" Colonel Paine discharged a pistol at the mutineers, by which a private, belonging to the North Carolina regiment, was killed, and another private, belonging to the Virginia regiment, wounded.

7th. Captain Rowan, or Captain Young, of the Virginia regiment, and Assistant Surgeon Caulfield, United States Army, saw the mutineers while assembled in the Virginia camp, and overheard their mutinous expressions. Not one of these officers did "use his utmost endeavor to suppress the same," or "give information thereof to his commanding officer," as enjoined by the eighth article of war.

8th. During the evenings of the 14th and 15th of August, 1847, while the mutiny was in progress, a portion only of the company officers of the North Carolina regiment discharged their duty; from the residue of his officers Colonel Paine did not receive that support which he had a right to expect and which it was their duty to render.

9th. On the morning of the 16th of August, 1847, twenty-three of the company officers, and two of the staff officers, of the North Carolina regiment, addressed a joint letter to Colonel Paine, requesting him to "surrender his commission." [See paper marked C.]

10th. On the afternoon of the 16th of August, 1847, Brigadier General John E. Wool, then in command of all the forces in and

near Saltillo, issued an order, dishonorably discharging from the service of the United States Lieutenants Pender and Singletery, whose names headed the list of signatures appended to the paper requesting Colonel Paine to surrender his commission; the order likewise dishonorably discharged two privates, *Jason Hunter*, belonging to the North Carolina regiment, and *Thomas King*, of the Virginia regiment, who had been active in promoting the mutinous proceedings of the two preceding nights. [See paper marked H.]

11th. Major General Z. Taylor, at that time in command of the army of occupation, approved of the discharges of Lieutenants Pender and Singletery. [See paper marked T.]

12th. Major General Winfield Scott, in a written communication, dated Washington, August 20, 1846, addressed to Brigadier General John E. Wool, authorized him to grant discharges ("honorable or otherwise") to volunteer officers from the service of the United States. [See paper marked S.]

13th. On the 17th of August, 1847, twelve of the company officers of the North Carolina regiment tendered, in writing, to Colonel Paine, their resignations.

14th. On the 17th of August, twenty of the company officers of the North Carolina regiment, who had previously signed the paper marked "C," calling on Colonel Paine to surrender his commission, requested that their names might be erased from that paper.

15th. Lieutenant Singletery drafted the letter, addressed to Major General Taylor, complaining of Colonel Paine's conduct. Lieutenants Singletery and Pender drafted and procured signatures to the letter calling on Colonel Paine to surrender his commission.

16th. Lieutenant Singletery and Lieutenant Whittaker, at that time orderly sergeant of Lieut. Singletery's company, were aware, previous to its actual occurrence, of the contemplated disturbance on the night of the 15th August. [See papers marked O and P.]

17th. Colonel Paine, on the night of the 15th August, ordered Lieutenant Singletery to bring a guard of twenty men to his tent, which order Lieutenant Singletery neglected to obey.

18th. On the evening of the 14th, and during the night of the 15th of August, numbers of men belonging to companies D, H, and K, of the North Carolina regiment, refused to obey orders.

Opinion of the court.

The court are unanimously of the opinion:

1st. There was a mutiny in the camp of the brigade of volunteers at Buena Vista, Mexico, on the night of the 15th of August, 1847.

2d. That Colonel Paine, from the time he entered the service of the United States, has shown himself to be a zealous and faithful officer, and in firing on the mutineers in the camp at Buena Vista, on the night of the 15th August, 1847, by which one man was killed and another wounded, he acted strictly in the line of his duty.

3d. That General Wool, in discharging dishonorably from the

service of the United States first Lieutenant Josiah S. Pender and first Lieutenant George E. B. Singletery, North Carolina volunteers, and Private Jason Hunter, company A, North Carolina regiment, and Private Thomas King, company G, Virginia regiment, on the 16th of August last, was actuated solely by considerations for the good of the public service, and that the crises demanded prompt and decisive measures to restore order and discipline, the propriety of which, as adopted by General Wool, was fully demonstrated by the subsequent conduct of the volunteer forces at Buena Vista.

FIFTY-EIGHTH DAY.

MONTEREY, MEXICO,
Wednesday, April 12, 1848.

The court met pursuant to adjournment. Present all the members and the judge advocate, recorder.

Having revised their finding and opinion, and no further business being before them, the court adjourned *sine die*.

R. E. TEMPLE,
Colonel 10th infantry, president.
JAMES H. PRENTISS,
Captain 1st artillery, judge advocate, recorder.

A.

N. C. Regiment of Volunteers, Camp Arispa's Mills,
Near Saltillo, Mexico, August 29, 1847.

Dear Sir: Upon reflection, in regard to the request made of me by you yesterday—holding as I do a situation in the staff—I believe it to be highly improper for me to interfere, more particularly as the papers require a combination of action on the part of the officers. Like combinations have already been construed into motives of a mutinous character; by moving in the matter I might lay myself liable to punishment more severe than any other officer of the regiment. I hope my excuse will be deemed sufficient; and believe me, any service I can render you, without compromising my duty, I most cheerfully will bestow. Enclosed I send you the papers entrusted to me.

Allow me to suggest that any certificates you wish should be of an individual character.

Believe me, yours, truly,

S. SINGLETON.

Lieutenant Geo. E. B. Singletery.

B.

Camp at Saltillo, Mexico,
August 28, 1847.

On the night of the 15th of August, Colonel Paine, in my presence, ordered Lieutenant Singletery to send him twenty or twenty-five men to patrol the camp. Not more than five minutes afterwards, the explosion of a pistol was heard in camp, and the whole regiment ordered out under arms. Under orders, I went to the left wing to see that the call was properly obeyed. I found Lieutenant Singletery in command of his company under arms. He inquired if the colonel now wished for the patrol from his company. I told him I supposed not, of course, as the whole regiment was turned out. He said he thought so, but wished to be certain. Shortly afterwards I saw the colonel, and asked him if he had any further orders. He said he had none—to dismiss the companies. I carried the order accordingly to Lieutenant Singletery among the rest. He again inquired if the patrol was now wanting from his company, and I told him I supposed not. A day or two afterwards, Colonel Paine called on me to know if the officers had all discharged their duty that night. I told him they had done so faithfully where I had been. In the conversation I had with General Wool, before Lieutenant Singletery was discharged, I told him the same.

C.

BUENA VISTA, *August* 16, 1847.

SIR: We, officers of the North Carolina regiment of volunteers, believing that it is essential to the quiet and harmony of our regiment, request that you will surrender the commission you now hold.

JOS. S. PENDER,
Lieutenant commanding, company A.
BENJAMIN STATON,
Second Lieutenant, company E.
ROBERT M. WILEY,
Second Lieutenant, company I.
1. WM. T. GRAVES,
S. P. TIPTON,
Captain, company K.
S. K. NASH,
First Lieutenant, company D.
A. F. KEITH,
Second Lieutenant, company D.
S. NICHOLS,
Second Lieutenant.
J. M. ISRAEL,
First Lieutenant, company K.
JOHN GOODMAN,
First Lieutenant, company K.
WILLIAM McKERRALL,
Second Lieut. com'g, company E, N. C. vols.
ED. YARBOROUGH,
Second Lieutenant, company H.
GEO. E. B. SINGLETERY,
First Lieutenant commanding, company H.
4. WM. A. KIRKPATRICK,
Captain, company I.
Z. L. THOMPSON,
Second Lieutenant, company B.
H. A. AREA,
First Lieutenant.
HENRY ROBERTS,
Captain, company B.
D. S. JOHNSON,
First Lieutenant commanding, company F.
J. S. MITCHELL,
Second Lieutenant, company F.
THOS. M. DUNHAM,
First Lieutenant, company I.
S. W. HYATT,
First Lieutenant.
2. SOLO. PENDER,
Assistant Quartermaster.

TILMAN BLALOCK,
Captain.
NELSON HOUGH,
Second Lieutenant, company C.
3. JAS. A. MACRAE,
Assistant Surgeon.

To Colonel R. T. Paine.

Nos. 1, 2, and 3 requested that their names might be stricken from the above, requiring Colonel Paine to resign. At the request of Captain Kirkpatrick, his name has been stricken from this paper —No. 4.

JOHN E. WOOL.

Buena Vista, *August* 17, 1847.

Sir: You are hereby authorized to have my name stricken from the petition which was yesterday handed in to General Wool, asking a resignation of Colonel Paine as colonel of the North Carolina regiment of volunteers.

Respectfully, your obedient servant,
TILMAN BLALOCK,
Captain, company D, N. C. volunteers.

To Brigadier General Cushing.

D.

Brigade of Infantry,
August 17, 1847.

Sir: We, the undersigned, certify on honor that we had no mutinous intentions in signing the "request" sent to Colonel R. T. Paine, of the North Carolina regiment volunteers, on the 16th inst., and respectfully desire that our names shall be stricken from that list.

HENRY ROBERTS,
Captain, company B, N. C. vols.
FILMAN BLALOCK,
Captain, company D.
ROBT. WILEY,
Second Lieutenant, company F.
D. S. JOHNSON,
First lieutenant com'g, company F.
WM. M. KERRALL,
Second Lieut., company C, N. C. vols.
WM. C. KIRKPATRICK,
Captain com'g, company C, N. C. vols.
BENJAMIN STATON,
Second Lieut., company C.

JOHN GOODSON,
Second Lieut., company K.
Z. L. THOMPSON,
Second Lieut., company B.
J. S. MITCHELL,
Second Lieut., company F.
A. F. KEITH,
Second Lieut., company C, vols.
S. W. HYATT,
Second Lieut., company A, N. C. vols.
THOS. W. DUNHAM,
First Lieut., N. C. vols.
S. NICHOLS,
Second Lieut, N. C. vols.
NELSON SLOUGH,
Second Lieut., company D, N. C. vols.
S. K. NASH,
First Lieut., company D, N. C. vols.
ED. YARBOROUGH,
Second Lieut., company D, N. C. vols.
HENRY A. AREA,
First Lieut., company C, N. C. vols.
J. M. ISRAEL,
First Lieut., company K.
S. P. TIPTON,
Captain, company K, N. C. vols.

General Wool.

E.

Camp at Buena Vista,
August 7, 1847.

Sir: It is with deep regret, for the necessity which compels us to do so, that we lay before the commanding general, a complaint against the commander of our regiment, and it is only after long and patient submission to constant oppression that we at length do so. We will mention some of the many similar occurrences, on which our complaint is grounded.

While in camp, near Monterey, on or about the 16th of June, Private William Thompson, North Carolina volunteers, under arrest, was sent for, and having saluted the commanding officer in the usual manner, was ordered to stand with his hat off. Not doing this very readily, the colonel of our regiment attacked him with his *fists*, and continued the scuffle for several minutes, till exhausted by his efforts, he concluded by throwing a tin basin at his head, Thompson only warding off the blows. This occurred in the most public part of the encampment.

On or about the 14th of July, at camp at Buena Vista, Private

William Brand, of North Carolina volunteers, took a stick of wood from the pile for the use of the regiment. Brand was ignorant of any violation of orders in doing so, and no order, to this effect, had been, in any way, generally made known. Colonel Paine cried out to him, with a loud oath, to put it down, (which he did instantly,) and then ordered a non-commissioned officer to strike him with a heavy stick, and enforced obedience to this order, saying that when "he ordered him to knock a man down, he must do it, or he would knock him down." In two other instances, he has been guilty of similar violence to men under his command not belonging to the regiment; in one case using his fists, and in the other knocking a man senseless, with the swingletree of a wagon. But it is not of these things, though most glaring, that we mostly complain. He has, in several instances, placed officers in arrest, close arrest, for the most trifling and insignificant causes; and he has habitually treated them with the greatest disrespect, attempting secretly to destroy their authority over their men, seeming to regard them more as brutes than men. But we do not wish to annoy you with multiplied examples, which are daily occurring.

We are proud of the character of our regiment, for good order and discipline, and we will continue to use our utmost endeavors to sustain it. It is their birthright, as citizens of North Carolina, but we have still the sensibilities of men and the feelings of freemen, and it is not a part of their character to submit always to grinding oppression. That Colonel Paine has, in many instances, been guilty of conduct which would subject him to the severest judgment of a court martial, no one can deny, and we request that the commanding general will order his conduct to be submitted to the consideration of that tribunal, whose investigation he has refused to others.

GEO. E. B. SINGLETERY,
First Lieut. com'g, company H, N. C. vols.
WM. E. KIRKPATRICK,
Captain, company I, N. C. vols.
JO. S. PENDER,
First Lieut. com'g, company A, N. C. vols.
D. S. JOHNSON,
First Lieut. com'g, company F, N. C. vols.
HENRY ROBERTS,
Captain, company B, N. C. vols.
WM. M. KEITH,
Second Lieut. com'g, company E, N. C. vols.
TILMAN BLALOCK,
Captain, company D, N. C. vols.
S. K. NASH,
First Lieut. com'g, company D, N. C. vols.

Captain P. N. Henry, company G, has not been with the regiment, since the 16th of April.

Major General ZACHARY TAYLOR,
Commanding army of occupation.

[Endorsement on the within.]

Buena Vista,
August 7, 1847.

Several officers of North Carolina regiment.

The commanding general refers this complaint to Brigadier General Wool, for such action as he may deem the good of the service to require. The complainants should, at least, be admonished that all representations of the kind ought to come through the proper channel. The general remarks that some of the complaints refer to matters of long standing, occurring near his headquarters, and which then should have been brought to his knowledge, and complain of the conduct of Colonel Paine; also that one of the complainants (Captain Blalock) has been convicted of disgraceful conduct, and another (Lieutenant Pender) placed in arrest by his colonel.

Respectfully,
W. W. S. BLISS,
Assistant Adjutant General.

August 15.

August 10.—Referred to Colonel Paine for a report.
JOHN E. WOOL,
Brigadier General.

August 27, 1847.

F.

Head-quarters N. C. Regiment of Volunteers,
Arispa's Mills, near Saltillo, August 28, 1847.

Dear Sir. The commanding general did me the honor to submit to me, for a report thereon, a letter of complaint against me, dated at Buena Vista, August 7, 1847, signed by Captains Blalock, Roberts, and Kirkpatrick, and Lieutenants Singletery, Pender, D. S. Johnson, McKerrall, and Nash, all of the North Carolina volunteers. I was astonished on reading the complaints to find that any one, much more an officer in my own regiment, could be found to bring charges of the character of some of those in the letter against me. If those referring to the treatment of my officers be true, I have indeed been guilty of offences for which I deserve condemnation and disgrace. A man is not a correct judge of his own conduct and manner, and whatever report, as regards my conduct and manner towards my officers the commanding general may desire, I hope he will not require of me, but of those officers of my regiment who have had the best means of observing my conduct since I have taken command of the regiment. If I were to speak for myself, testifying in the matter according to what has been my feelings and sense of duty, I would say that I have at

times, in the course of discipline and instruction in my regiment, spoken impatiently, perhaps too impatiently; and it may be that I have addressed officers negligent or careless of their duties in an excited manner—I say I have done this; not that I remember any time of so doing, but, because if I have not, I certainly have acted with more meekness and patience, under multiplied causes of provocation, than I believe it possible for me to act. I shall enter into no controversy with these officers about the discharge of my duties, or the manner in which those duties have been discharged. All I say about it is this: I have never treated any man, much less an officer, with the *slightest intentional disrespect.* I have never entertained towards any, ill feeling, although I have often been provoked by their conduct; and I have never inflicted punishment of any kind on any one, unless for an offence occurring at the time of its infliction; and I have always endeavored so to act that the punishment should not be greater than the offence merited.

You know, sir, that circumstances will justify in a commanding officer a resort to summary punishment for offences. Now, in the case of the "man not a soldier of the regiment" being "knocked down by the swingle-tree of a wagon." This occurred at the mouth of the Brassos, about the 27th March.* The man knocked down was a teamster under my command. I was some distance from my troops, hastening the transportation of the train across the river, and behind one of the wagons I saw a man helping himself to wine out of my demijohn. I reproved him severely in words, and called for his immediate commander, who came up and said he would punish him as he deserved. This was a man in the command sent to take care of the led horses. The man became very insolent, and I took up a stick which was lying near me and threatened to strike him if he continued his insolence, and the person having authority over him took him away by my orders to punish him. When about to return to my position on the river bank, I observed that I was surrounded by some twenty or more teamsters, to whom or concerning whom I had said nothing, when one of them, stepping immediately before me, said, in a threatening manner, "I'll be God damned if the teamsters will submit to such treatment as that." I instantly felled the teamster to the earth, and ordering the others to their duty and seeing them obey, I had the surgeon called to the wounded man, and went to my former duty. No quartermaster was along with the command; but there was not one word of complaint made against the necessity and justice of the punishment by any that I have ever known, until made by these complainants. At the time, I did not know that a soldier was within a hundred yards of me; but soon afterwards Sergeant-major (*now* second lieutenant) White, North Carolina volunteers, told me he was standing just without the crowd and saw what occurred. So, in the case of Private Thompson, represented by complainants as being beaten with my fists until I was

* This act was reported by me to Major Crossman, A. Q. M., at Camargo, as soon as I arrived there.

exhausted, because he did not readily stand with his hat off; the truth, in the first place, is not told, and his offence is concealed.

The day after our arrival at camp, near Monterey, about the middle of June, complaint was made to Major General Taylor that the troops under my command had, on the march, and within three or four miles of his camp, stripped a peaceable Mexican of his growing corn, doing great damage to his field. General Taylor sent over to me the complainant, with his letter, and, having found out the perpetrators of the outrage, I made them pay the damage, and otherwise punished them as, I thought, they deserved. Lieutenant Pender, having command of that part of the line from which the troops and teamsters went to maraud, and being mounted on horseback for the purpose of preventing such acts, was ordered in arrest by me, because he calmly witnessed the whole depredation, and neither attempted to check it nor reported it to me. I reported to the commanding general what I had done, and it met with his approbation. That night, as I returned to my camp from the quarters of the commanding general, after tatoo, I heard some one swearing very violently; and, on coming up, I found Private Thompson standing at the front of his company quarters, and several other soldiers near. He was cursing me most violently for having punished the men for robbing the cornfield. Thompson had not been punished for this. I ordered him in custody with my guard. Early next morning, I ordered him to be brought to my tent, intending to reprimand him. He came, conducted by a corporal and file of men; his manner, as he approached, was very insolent; his looks, threatening; and he stood before me with an air of bold and angry defiance. Whether he saluted me or not, in the usual way, according to the notions of the complainants, I cannot tell. This surely was not the way I had always required soldiers, under such circumstances, to stand before me. I invariably made culprits stand before me with uncovered heads. I told this man to take off his cap; he had often stood before me, with his hat off, in the character of an offender, and his looks now became more threatening. I rose from my seat and repeated my order in a stern tone of voice, when he replied that he took off *his* hat to no man. This was said in a tone of such defiance that I would have felled the man to the earth, if there had been anything near me with which to have effected it. The only moveable thing near me was my tin wash-basin, and this I threw, striking him on the head. I then slapped his face several times with each hand *open*, and on his replying that he did not resist, I instantly ceased, and remanded him in confinement. Three or four hours afterwards, (Thompson in the meantime having desired to speak to me,) I had him brought again before me; he came up respectfully, took off his hat, expressed great sorrow for his conduct, hoped I would forgive him, and excused himself, saying, that if he had not still been under the influence of liquor, he would not have acted so. I did not report this act officially to Major General Taylor, but spoke of it at his tent, and before the officers of his staff. I feel justified in what I did. Thompson bore a desperate character with his officers; they were

actually afraid to punish him, insomuch that he was, for swearing at his officers, and positively refusing to obey, often brought to me to be compelled to obey. Captain Kirkpatrick, whose name, from what has since occurred, I am astonished and regret to see appended to these charges, spoke of this punishment as well merited. The man himself, Captain Kirkpatrick informed me a few days ago, had not complained of it, and bore towards me no unkind feeling for the chastisement. Since the occurrence, Thompson has been one of the best soldiers in the regiment, and, by the recommendation of his captain, was appointed a corporal.

The facts in the case of Private William Brand, which occurred at Buena Vista, are also equally if not more perverted than in the former case. The first that I saw of Brand was standing near the kitchen of the non-commissioned staff, with wood on his shoulder. The drum-major, whom I had heard speaking several times, in an earnest tone of command, before I saw the parties, was standing before Brand, ordering him to put down the wood; telling him he had split it up and he should not carry it away, and directing him to the pile, for the use of the regiment, for wood. Brand had taken the wood from the musicians' pile and refused to put it down. I stood some thirty feet distant, and saw, for a minute, what occurred. The drum-major held a stick in his hand, and told him several times, if he did not put down the wood, he would strike; and, the man still refusing to obey, I called out, "let him have it;" meaning to say, "strike him." Instantly a *motion* only, as I thought, was made by the drum-major, as if he would strike, and the man *then* threw down the wood, and not *until* then. Supposing that the drum-major had not obeyed my order, I went up to him, *after* the occurrence, and told him he knew I required obedience to orders, and that if I told him again to strike a man, or even to knock one down, and he did not obey, I would knock him down. Now, sir, if the officers of Brand had discharged their duty towards him, this would not have occurred; for I was informed by an officer, Second Lieutenant Singleton, then on extra duty in the surgeon's department, that Brand had been making a disturbance in his company, and was cursing and swearing about the company fire, and, no doubt, was angry in refusing to put the wood down when told. Having heard that officers complained to you that charges had been preferred against me for this act, and not noticed, I made inquiry into the matter, and learn from Major Stokes that during the sitting of the court martial, of which he and Lieutenant Pender were members, he recollects that a paper was handed in of this kind, and referring to this matter; that Lieutenant Pender took it and, he thinks, destroyed it.

The last is the case of a teamster, who came into camp at Buena Vista, lying asleep, and drunk, on his wagon load of corn, after night. I had to have the man lifted out of the wagon. His officer, the then acting assistant commissary and assistant quartermaster of the regiment, being too drunk to know what he did, I could not, under the circumstances, have the teamster punished for drunkenness, from the example set him, and undertook to talk to him about his con-

duct, when he became insolent, and I pushed him off. The man, drunk as he was, did not fall from the push I gave him. Colonel Fagg was present, and saw this occurrence.

The complainants say that "it is not of these things, though most glaring," they "mostly complain." They then go on to set forth their grievances, in the language of our declaration of independence. From their inability to draw up charges against me, I presume they have adopted their quotation because it contains charges of a grave and serious character. It would be well, were they admonished that a declaration of independence against military authority must prove prejudicial and ruinous to all who make it.

As to the charge against me of "placing officers in arrest for the most trifling and insignificant causes," I simply answer, that Lieutenants Pender, Singletery, Wiley, Staton, and Mitchell have been ordered in arrest at different times, and no other officers of the regiment. Lieutenant Pender has been in arrest three several times; once at General Taylor's camp, for the cause already mentioned; once by order of General Wool, for disobeying a direct order to appear at battalion drill, and again by General Cushing, for failing to appear at parade; the latter arrest continued for one night, and might not have been desired, had it not been for this officer's frequent neglect of duty. Lieutenant Singletery was arrested three several times; once at General Taylor's camp, for positive disobedience of orders against remaining in Monterey all night. He was ordered to return to parade. This arrest amounted to a confinement to his quarters part of a day. He was again arrested, by order of General Wool, on my report, as field officer of the day; and, on his refusing to resume his sword and return to duty next morning, he was continued in arrest. He had broken his first arrest, and I was inclined to favor his request for a court martial, but the commanding general advised against it. His third arrest was by order of General Cushing, on a report made by me against him (Singletery) for neglect of duty and disobedience of orders. During his arrest he sent in his resignation, imputing to me improper motives in arresting him; and, by consent of General Cushing, his arrest was continued for six days. Lieutenant Wiley was in arrest part of a day at camp, near Monterey, for positive disobedience of orders against remaining in Monterey at night. He was ordered to return in the afternoon, and remained absent until ten or eleven o'clock next day. Lieutenant Staton was arrested for appearing, publicly, drunk in camp, at Buena Vista, and disturbing the quiet of the camp. The arrest was immediately reported to General Wool, and approved by him. A sentry had to be placed before his tent to enforce the arrest, and he finally became so furious, that I was compelled to threaten him with the gag, to stop his curses and noise. He disturbed the quiet of the adjacent camp. Lieutenant Mitchell was in arrest about ten or fifteen minutes, for failing to be at roll-call. This latter arrest I did not think it necessary to report; as, on representation of the thing being immediately made to me, I discharged him from arrest. I omitted the arrest of Captain Roberts, for being drunk on duty, on which charge he was ar-

raigned before the court martial at Buena Vista, and plead guilty, and was sentenced by the court.

Now, sir, these are all the arrests of officers of my regiment, I remember ever to have made. The causes, and manner, and time of the arrests, are correctly stated, and I leave the commanding general to judge if they were for slight and insignificant causes. The charge of secretly endeavoring to lesson the influence of officers over their men, I cannot notice. I have striven for nothing, since I had military command, with a more unyielding effort, than to attain perfect and absolute authority for every rank. I have never permitted disrespect to an officer; no, not even to a fourth corporal, to go unpunished. I have sternly and inflexibly exacted from all full and implicit obedience to the commands of a superior; and my most earnest endeavor, from the start, has been, to instil into my officers that pride of rank and distinction which I felt was absolutely necessary to command respect. If there is any crime known to man, of which I am guiltless, it is of secretly attempting anything dishonorable and injurious to others; and most of all am I guiltless of this charge. I am not a fool, so as not to know that, by such an act, I would surely work out my own destruction.

I have never refused redress, and have never been called on for redress, and never knew, until since the mutiny occurred, that redress for injury received at my hand had ever been sought, or desired, against me by any one, officer or soldier, in my regiment. My officers have kept their bad feelings to themselves; they have met me smilingly; have not complained to me of my conduct; and, that such a combination existed among them, such a hostility towards me, as I now know to have existed, I never had the slightest idea of, until since the mutiny. It is true, I heard from an officer, that some of my officers (only three) were inimical in feeling towards me, and would frequently speak disrespectfully of me to other officers; but this I thought the common lot of every commander, and took no notice of it.

There is a note at the foot of the letter of complaint, in these words: "Co. G.—Captain P. M. Henry has not been with the regiment since the 10th of April." It may be, that by this is meant, that had Captain Henry been present, he would have signed the letter. Under this supposition of their meaning, I have called on Captain Henry to make to the commanding general a statement, impartial and full, of what he knows and has seen of my conduct towards my officers. I made this request of Captain O. A. Buck, who was my adjutant up to the 1st August, and has always been present with me during my command. The same request has been performed, I presume, by Major Stokes, in the paper sent in on yesterday. What may be the character of these communications I know not, and desire not to know, until I retire from the command of the regiment; but whatever they may be, I am willing to be judged by them. The same request I shall also make of Colonel Fagg, when he is well enough to be troubled.

If I am condemned by these officers, then let me suffer, with or without trial, the punishment due to my office. My own conscience does not condemn me, yet I know a man must be judged by his acts and not by his intentions only. No one can tell my deep mortification at the loss of our military reputation. The character of my regiment was my greatest pride; but at one fell swoop we have fallen in the esteem of our commanding general. I dare not think how far. I know that a change of rulers is sometimes good to restore tranquility and order. I shall ask permission to retire from the service, so soon as I can think that I have remained sufficiently long after the things which have occurred, to let my troops feel that they can gain nothing by resistance. My notions of discipline I plainly see cannot be carried out amongst volunteers, by the help of volunteer officers. These latter, I am sure, have acted in utter ignorance of their duties and responsibilities.

I say so, because I cannot conceive how a man in an honorable and a highly responsible position, can allow his feelings so to conflict with duty, as to hinder or alter his performance of it. My most earnest desire now is, that we may again be restored to confidence, and my utmost endeavors shall be exerted to attain so desirable an end. Sir, I beg leave to say in conclusion, that I cannot manage a controversy. I never had one. I have never before acted, except amongst those friends who have known me from childhood, and those friends will believe nothing which detracts from my character. But the position I occupy gives me a public character to sustain, and this I am well aware must be upheld by other evidence than my own, if impugned. My conduct as an officer, since I have been under your command, is misrepresented, grossly so; my acts misconstrued, and my reports to you discredited. In what manner I may best meet these things, I call upon the commanding general, as my superior officer, for advice. The letter submitted to me, for a report, is herewith returned.

I am, very respectfully, your obedient servant,

ROBT. T. PAINE,

Colonel, commanding N. C. regiment of volunteers.

Captain IRWIN MCDOWELL,

Ass't Adj't Gen., U. S. A., Head-quarters, Buena Vista.

G.

HEAD QUARTERS, N. C. REGIMENT OF VOLUNTEERS,
BRIGADE OF INFANTRY,
Buena Vista, Mexico, August 16, 1847.

DEAR SIR: As field officer of the day of the 15th August, 1847, I beg leave to report: I. That during the day everything was quiet in the camp. II. That a sentry of the rear guard was ordered in confinement, with the provost guard, for sitting down on his post, and a new detail ordered.

III. That a little before twilight, bands of men, from the Virginia regiment, were walking the officers' and field and staff streets of my camp, sometimes passing close before my tent door, and going around my tent to the rear and back to the right flank of my encampment. These parties of men, varying in number from five to ten or more, kept up this patrolling the streets of my camp. At dusk I apprehended one man out of a band of some ten or more soldiers, belonging to the Virginia volunteers, who had patrolled the street of my camp, and as usual, passed immediately around my tent to the rear, making a disorderly noise; and this man I carried and reported to Colonel Hamtramck, Virginia regiment of volunteers, who ordered him to be confined. There, at Colonel Hamtramck's quarters, I ordered the men of his regiment not to come into my camp, and I returned to my quarters.

A body of one hundred or more in number, of the Virginia volunteers, had, the evening previous, assembled in my quarters, within a few steps of my tent, and committed a gross and violent outrage and disorder. About 8 o'clock, p. m., the 15th, whilst standing before my tent, a large stone was thrown towards me by some unknown person, and came near hitting me; and soon thereafter I saw several soldiers of the Virginia volunteers passing down the officers' street of my camp who, on being hailed by me, fled towards their regiment, cursing me as they ran towards the camp of the Virginia volunteers. Parties of men of the Virginia volunteers were occasionally passing to the rear of my tent, and rocks of a pound weight were frequently thrown very near me and against my tent. I desired to write a letter, and apprehending some personal danger from the evidences of design to injure me if possible, I ordered my sergeant major to detail a quarter guard of eighteen men and post sentinels in the rear of my tent, with loaded arms, to prevent any other than soldiers of my regiment from passing to the rear, and to apprehend all other persons attempting to pass them.

He reported to me the companies from which the detail was ordered to be made, and the detail from those companies only were brought up by their respective first sergeants. The first sergeant of K company, from which a detail of two men had been ordered, reported to me that he had ordered out privates Robert Rodgers and John R. Stradley, both of whom positively refused to obey the order or to turn out; and that private Jason Hunter, of A company, North Carolina volunteers, was in his company quarters, persuading the men to disobedience. I directed said First Sergeant Palmer, of K company, to order out a file of men of his company, and take privates Roberts and Stradley to the provost guard; and in some ten minutes thereafter I went into the street of K company, and found the men in a state of open mutiny.

First Lieutenant Israel, of that company, being in command, and not out attempting to quell the said mutiny, although he himself had given the command to Private Rodgers to turn out, I could not compel Private V. H. Williams, of this company, to obey my orders, given by me in person, until I had drawn my sword and held it over him, telling him I would cut him down if he did not

obey. I ordered Stradley to be taken to the provost guard, and as he went off in charge of Sergeant Henry of his company, he turned to the men of his company in line and said, "Boys, if you are men of your word, you will stick to it," or words to that effect. I now was convinced that a mutiny existed amongst the troops of my own regiment, and I ordered the men of the right wing of my encampment to their tents. I went towards my tent, and the rocks were again thrown at me, some striking my tent, and if they had fallen upon my head would have killed or seriously injured me. I passed out to the front of my encampment, to see if I could distinguish from what place the rocks were thrown, and passing along the left wing in front, I came up to the street of F company, and passed towards the right, stopping a moment at the officers' tent in company I, Captain Kirkpatrick being the only officer for duty with that company. First Lieutenant Singletery, commanding company H, North Carolina volunteers, was standing at this tent. I passed on to the tent of Captain Shive, and on arriving there, was met by one of the musicians, a drummer of the regiment, with the information that a large crowd of men, from the Virginia regiment of volunteers, had assembled in the right wing of my camp, and were talking together and noisy, very near the tent of Lieut. Colonel Fagg, N. C. volunteers, Colonel Fagg being, at the moment, very ill. I immediately called to First Lieutenant Singletery, who still remained at the tent of Captain Kirkpatrick, and ordered him to call out ten files (twenty men) of his company, H, and bring them, with his first sergeant, to my tent immediately, stating to him the urgent necessity of the occasion. Lieutenant Singletery neither brought the men, nor did he make any report to me afterwards, but turned out his company at the call, and kept them under arms in their street. I then walked down towards the lieutenant colonel's tent, and saw, in the company officers' street, nearly opposite, a large crowd of persons grouped together, and on approaching the crowd, I recognized, principally, the uniform of the Virginia volunteers. The men of my own regiment had been repeatedly ordered to their tents by myself and other officers, and I had no cause to suppose that they were a part of this crowd. On getting near the crowd, who were stationed in the quarters of company A of my regiment, I challenged the crowd, and it began to waiver. I approached quickly up towards the men, and ordered them to stand; they now commenced scattering, and I advanced, ordering them to halt repeatedly, or I would fire. I was armed with my sword and a brace of pistols, and upon my advancing the crowd scattered and ran. I then called to them to halt or I would fire, and as they neared the front of my encampment in the street of D company, I fired my pistol, the shot from which took effect on two men. One of the North Carolina (my own) regiment, and the other of the Virginia regiment, the ball passing through the body of the former, and the hand of the latter. Private Bradley, company A, North Carolina volunteers, who was shot through the body whilst running in the crowd, died this morning, the 16th August, 1847. There was concert of action between men of company

A with the men of company K. The shot was fired by me about half past 9 o'clock, p. m., and after repeated warnings and orders to the men to retire to their tents. I firmly believed, early in the evening, that a plot was on foot to take my life, and I became the more and more confirmed in that belief from what I witnessed. I had previously been informed that my life was threatened, and I now lay before you a note written by a private of my regiment, in whose veracity I have every confidence. I ask for a court of inquiry into this whole matter.

With every respect, I am, dear sir, your obedient servant,

ROBT. T. PAINE,
Colonel, commanding N. C. volunteers,
and field officer of the day.

Captain IRWIN MCDOWELL,
Acting Adjutant General division,
Head-quarters, Buena Vista.

H.

ORDERS, No. 404.

HEAD-QUARTERS, BUENA VISTA, *August* 16, 1847.

It is with great surprise that the general commanding has learned that, within the last few days, certain individuals of the Virginia and Mississippi regiments have gone to the camp of the North Carolina volunteers, and there combined with the disaffected of that body to resist the measures which have been deemed necessary by the colonel of that regiment to enforce discipline in his corps; and that they have proceeded from one act to another, till, on the night of the 15th instant, setting all law and order at naught, they have presented the singular spectacle of a mutiny in an American regiment, some of whom, it is reported, are watching the opportunity to assassinate the colonel of the North Carolina regiment; an act so base, that, were it not known where they belonged, it would be a pleasant delusion to believe they were our enemies in disguise. What, however, is most humiliating to every one who feels at all for the honor and reputation of his country's arms, is, that the officers, to whom this honor and reputation should be most dear, should, in the North Carolina regiment, be found combining against their colonel, and, by their indifference and negligence, giving to the disaffected and insubordinate that aid and assistance which should have been found actively employed in sustaining those placed over them, according to the rules and articles of war.

There is a legal and proper manner prescribed for the redress of all injuries, and for making all complaints for wrongs inflicted; and when officers fail to require a conformity to this rule from those committed to their orders, and for whose good conduct they are responsible, and allow them, under the cover of night and the

irresponsibility of a mob, to take redress in their own hands, they are unworthy the commission they bear.

Had the company officers of the North Carolina regiment, *as a body*, uniformily and actively discharged their duties to their men, and to the government, the disgraceful and unfortunate affair of last night had not happened. Upon them, therefore, must rest the stigma, and most happy would it be for themselves, their regiment, and the State which they represent, and for the country at large, could the fact of their negligence and its consequences never transpire beyond the limits of their own regiment, to be spread over the United States, there to be subject of wonder and reproach to all concerned.

First Lieutenant Josiah S. Pender and First Lieutenant E. B. Singletery, North Carolina regiment, Private Jason Hunter, company A, North Carolina regiment, and Private Thomas King, company G, Virginia regiment, are, for being concerned in the matter referred to in this order, hereby *dishonorably* discharged the service of the United States, to take effect this day.

JNO. E. WOOL,
Brigadier General.

[Endorsed.]

Remarks.—I send this order because I have heard that the officers of the North Carolina regiment have addressed a letter to the President, on the subject of Colonel Paine's conduct. I have never known in the volunteer service an officer who possessed more zeal and efficiency. He certainly is one of the best officers I have ever known in the volunteer service; and because he was efficient, his officers, prompted no doubt by others, combined to drive him from the regiment.

JOHN E. WOOL,
Brigadier General.

I.

HEAD-QUARTERS NORTH CAROLINA VOLUNTEERS,
August 16, 1847.

SIR: In accordance to Division Orders, No. 404, of the date of August 16, 1847, I am directed by the general commanding this brigade, to notify you that you are dishonorably discharged from the service of the Untied States; and will, upon the receipt of said order, leave forthwith, and be subject to arrest and imprisonment if again found in camp.

I am, very respectfully, your obedient servant,

ROBERT T. PAINE,
Col. Com. N. C. Reg. Vol.

GEO. E. B. SINGELTERY, Esq.

K.

HEAD-QUARTERS, BUENA VISTA,
August 28, 1847.

SIR: Your communication of August 27 has been received by the commanding general, and he has directed me to state in answer the following, viz:

He has examined your case and is unable to discover any cause for recalling your discharge. On the contrary, the more he has investigated your conduct the more he is convinced of the propriety of the discharge. The general cannot doubt the statement of one so zealous and so devoted to the best interests of the service as Colonel Paine.

Very respectfully, your obedient servant,
W. B. FRANKLIN, *A. A. D. C.*

Mr. G. E. B. SINGLETERY.

L.

BUENA VISTA, *June* 24, 1847.

SIR: The late requisition on our State for volunteers, my native county, Edgecombe, turned out two companies; at that time our State laws provided that the selection of field officers should be made by the regiment, but after the regiment had been completed our whig legislature took the selection from an entire democratic regiment, and gave the right of appointment to a whig governor, and that whig governor, contrary to the wishes of nine-tenths of the regiment, appointed Colonel R. T. Paine, who not only voted for, but supported with his utmost ability, that abominable preamble to the resolution (giving to our regiment twenty thousand dollars) "that the *existing war* with *Mexico* was brought about by the executive, that it was unjust," &c.

There being considerable discontent and much danger of an entire breaking up (two companies having already disbanded on account of the appointment) and rather than my State should incur censure in not furnishing her quota of men, I was resolved to serve my country even under a leader who had publicly confessed that he believed the cause he was engaged in to be unjust, but subsequent events render my situation still more annoying.

Captain Wilson having accepted the appointment of colonel of the 12th infantry tendered him, left me in command of A company, the second lieutenant of which has been sick for two months or more; the second lieutenant is adjutant, and about a fortnight ago the second lieutenant resigned. Thus I am the only commissioned officer doing duty in the company, and have performed all the duties appertaining to the commissioned officers of the company for nearly three months, during which time I have requested of our colonel that there might be an election in my company, and

in reply have not been treated with that respect I am entitled to as on other occasions.

In this situation, my company without officers and all solicitations for an election of non-avail, I am under the circumstances compelled to tender, and most respectfully solicit, the acceptance of my resignation.

I have been compelled thus to encroach upon your valuable time, having sent my resignation to the colonel, with the request that he would hand it to General Taylor, which he refused to do, sending it back with this answer inscribed thereon: that he believed I was more *anxious* to *quit* the *service* than to *perform* my *duty*, thereby adding insult to injury. I am not desirous of quitting the service, having received a penchant for military life at West Point, but under the circumstances I could not do otherwise than to request the acceptance of my resignation, and am in hopes that my motives may be properly appreciated.

Most respectfully, your obedient servant,

JOS. S. PENDER,

1st Lieutenant, A company, North Carolina volunteers.

Hon. JAMES K. POLK.

M.

WILMINGTON, NORTH CAROLINA,
October 4, 1847.

DEAR SIR: I sit down to perform the promise I made you in Mexico; this should have been done weeks ago at New Orleanse but really on arriving there I could not hear of any thing in thn form of news that was at all important, or that would have beef in the least interesting. We arrived at Wilmington on the 2nd o September, where I remained some four or five days with my friends before leaving for Washington. My health has very much improved, though the slightest change in my diet will bring upon me the *old complaint!*

On arriving at the place fixed for my head-quarters I immediately reported myself, but did not receive orders and instructions from the adjutant general for some two weeks after: during the time I visited Edenton and Nagshead, where I passed a few days very pleasantly, notwithstanding a gloom had been cast over those two places by the death of a fine young lady, the daughter of your friend, Dr. Warren. At the latter place I had the pleasure of seeing Mrs. Paine and your daughter; I think I would have known your daughter without being told who she was, so great is the likeness to yourself.

Mrs. Paine hears all that occurs in our regiment, and a great deal more. Mr. Benbury says, she reads every paper that has any thing relating to the regiment, and hears of almost all the letters brought into the United States.

If so, I assure you, she hears much that has never happened. You

would be astonished at the number of false and exaggerated reports in circulation through this section of the State. Trifling circumstances, that may have occurred in the regiment months ago, and hardly noticed there, have just been received here, magnified into hideous monsters; and for this we are indebted, in a great measure, to this accursed party strife, that must sooner or later affect the happiness of this delightful country. The whig editors of newspapers condemn the war, and preach to the people the distress and sufferings of the soldiers. The democrats, to balance accounts, accuse the colonel of a want of judgment, tyranny, and cruelty. So, between the two, the prospect for recruiting is pretty much blasted in this part of North Carolina.

The news of the battles near the city of Mexico, the armistice, &c., you have or will hear before this reaches you, though no official report has as yet been received in the States. A rumor reached here yesterday of another bloody battle having been fought—that General Scott had entered and taken the city, or a part of it, and that Generals Worth, Pillow, and Smith had been killed. This, however, is Mexican news, and we are all now anxiously waiting the next arrival from Vera Cruz.

Another rumor is afloat here—which, it appears, came from Raleigh. It is, that you have it in contemplation to resign and return home. My dear sir, if this be true, please do me the favor to accept and approve of the resignation of William J. Price, once captain company H, before you resign. I conceive that the regiment has disgraced itself, and I wish nothing more to do with it. I believe it is viewed in that light by all that I have heard speak of it. Besides, when I joined the regiment, my first and greatest object was to get such men for officers as I conceived to be gentlemen, and with whom I would be willing to associate. Things are changed; I do not now wish to be connected with the regiment in any way. Believe me, it is not from a desire to quit the service that I make this request, for it is my intention to get into another regiment immediately.

Give my best respects to Colonel Fagg and Major Stokes: please say to the major that I received his letter yesterday, and thank him kindly for it; I will write to him next week, or so soon as I hear the truth of the rumored battle in Mexico.

Very respectfully,
Your obedient servant,
WM. J. PRICE,
Captain North Carolina volunteers.

To Colonel Robert T. Paine,
North Carolina regiment volunteers,
Camp Buena Vista, Mexico.

I should be pleased at receiving a letter from you, so soon as it is convenient. My head-quarters, at Fayetteville.

W. J. P.

N.

CAMP AT ARISPA'S MILLS,
Mexico, February 2, 1848.

SIR: I have heard that the company which I have the honor to command, or a portion of it, may be implicated by the evidence now being submitted to the honorable court over which you preside in the alleged mutiny of the 15th of August last, I have respectfully to request that I may be permitted to attend, and take such steps as I may deem proper.

It may not be improper for me here to state that, at that time, I was quite unwell, and desire to know what is stated against the company it is my duty to defend as well as command, should the evidence in the case render it necessary.

Very respectfully, your obedient servant,
SAMUEL P. TIPTON,
Captain Company K, N. C. Volunteers.

Colonel TEMPLE,
President Court of Investigation.

[Endorsed.]

February 3d. Replied, that the proceedings were open, and he could attend of course.

R. E. TEMPLE.

O.

BUENA VISTA, *August* 17.

MY DEAR SIR: As you had but few moments left yesterday, after being discharged, it was impossible for the company to express to you, as they wished, their feeling in connexion with the outrage so unceremoniously inflicted on you. Rest assured you carry with you the admiration of all (except one) of the company lately under your command, and, I may say with truth, of the whole regiment, who may have troubled themselves enough to inquire into the facts. I was not prepared to hear an order of that sort read out; but I am more surprised that I, too, was not cast out, "*nolens volens.*" The exception above referred to is no one else than C. Manly, who, I learn, has been bearer of news from the company to the colonel for some time past, and his *report* of the doings of company H, on the night of the 15th instant. We (*you* and *myself*) are represented as countenancing, aiding, and urging the men to rise up in open rebellion, and "sweep the colonel off *the board;*" which, I suppose, was the ground upon which you were dismissed. Long before you reach home your friends shall know the manner in which this proceeding has been conducted. You will return home with the proud consciousness of knowing that you have discharged your duty to your country. You will go to your friends clear from guilt

or crime, while he who has endeavored to place the mark of disgrace upon you stands convicted, before a just God, of *murder*, deep, dark, and damning—the blood of an innocent man dripping fresh from his skirts. If we are to judge from the appearance of a man, or believe in physiognomy at all, we would never have taken him for an honest man. Since the unfortunate affair of the 15th, he looks much worse; and we can see written upon his forehead, in characters that cannot be misunderstood, "I am not Cain, yet am I Paine, the murderer."

Your watch is in the cartridge box, sent with all other papers that could be found of any value to you. My regard to Lieutenant Pender; and may each of you have a safe return. Lieutenant T. and ALL b'hoys join me in wishing you both health, prosperity, and a joyful welcome to the bosom of your friends.

Most truly, your friend,

J. B. WHITAKER,
Lieutenant in despondency.

Lieutenant G. E. B. SINGLETERY.

P.

SALTILLO, MEXICO,
August 28, 1847.

In justice to First Lieutenant Geo. E. B. Singletery, I feel bound to make a statement of the facts which led to his discharge from the service of the United States.

At the time of the discharge, I was orderly of the company which he commanded; was acquainted with every step taken by him in the company, and know that he discharged his duty, on *every occasion*, promptly and worthy a commanding officer. That he was vigilant in the prosecution of his duty, none dare deny, observing, almost to the letter, the rules and regulations governing the army; which can be testified to by the whole company, who considered him strict even to a fault; and the company was under better discipline, in every respect, at the time of his discharge, than it had been before or since entering the service.

On the night of the supposed attempt to assassinate the colonel of the North Carolina regiment, Lieutenant Singletery, when the alarm was first sounded, had his company in line and formed as soon as any, and much sooner than many others, himself at their head, and there remained, subject to the order of the colonel, until the adjutant, *sent by the colonel himself*, dismissed the regiment. For this, he is charged with rebelling against Colonel Paine, and dismissed without even a hearing.

J. B. WHITTAKER,
Second Lieut. Co. H, N. C. Reg't Vols.

SALTILLO, MEXICO,
August 28, 1847.

Having examined the foregoing statement made by Lieutenant Whittaker, do hereby certify that it is correct, *strictly true*, and do further add, that on no occasion has he evinced a spirit of rebellion, nor shown a disposition to disregard any order issued by the commanding colonel.

E. YARBOROUGH,
First Lieutenant Co. H.
D. H. BLACK,
Second Lieutenant Co. H.

R.

CAMP, ARISPA'S MILLS,
Near Saltillo, Mexico, August 30, 1847.

We certify that Lieutenant Singletery did not induce, nor use any persuasions to induce us to sign the paper sent to Colonel Paine on the 16th instant, requesting him to resign his commission.

TILMAN BLALOCK,
Captain company D, N. C. Vols.
S. P. TIPTON,
Captain company K.
HENRY ROBERTS,
Captain company B.
W. P. GRAVES,
Captain, A. C. S., N. C. Regt. Vols.
BENJ. STATON,
Second Lieutenant company C.
WM. McKERRALL,
Second Lieutenant company E.
S. R. NASH,
First Lieutenant company D.
A. F. KEITH,
Second Lieutenant company D.
S. NICHOLS,
Second Lieutenant.
J. M. ISRAEL,
First Lieutenant company K.
J. GORDON,
Second Lieutenant company K.
NELSON HOUGH,
Second Lieutenant company C.
THOS. M. DUNHAM,
First Lieutenant.

W. E. KIRKPATRICK,
Captain company I.
H. A. AREA,
First Lieutenant company C.
D. S. JOHNSTON,
First Lieutenant, commanding company F.
R. H. WILEY,
Second Lieutenant company F.
J. T. MITCHELL,
Second Lieutenant company F.
Z. L. THOMPSON,
Second Lieutenant.
S. W. HYATT,
Second Lieutenant company A.

S.

HEAD-QUARTERS OF THE ARMY,
Washington, August 20, 1846.

SIR: In the numerous volunteer corps now in the service of the United States, vacancies in commissions, by resignations, deaths, and otherwise, will probably occur.

The commissions of volunteer officers cannot properly be accepted by any functionary of the United States. You may, however, grant discharges from the service of the United States, "honorable," or otherwise, according to conduct in that service, upon the presentation of such circumstances as may appear to you of grave interest to the officers themselves, or to the public service.

Vacancies in volunteer commissions, up to the rank of colonel, inclusive, however created, may be filled in accordance with the laws of the States to which the discharged or deceased officers respectively belonged.

Those laws may prescribe elections, or promotions by seniority. In the latter case, you may announce, in orders, the vacancies to be filled, and appoint the times of elections. Where the principle of promotion prevails, the next in rank may be put in orders to act in the higher places, (as also in the case of elections,) until the pleasure of the governor or governors interested can be made known, in the form of commissions. Hence it will be necessary to cause to be reported, to the particular governors, the discharges, deaths, elections and promotions, which may occur among the officers in their respective corps.

Considering your remoteness from the general head-quarters of the army against Mexico, but without intending to withdraw you from the command of Major General Taylor, you are authorized to act,

in the matters presented above, while you shall remain at a considerable distance from him.

I remain, sir, with high respect, your most obedient servant,

WINFIELD SCOTT.

Brigadier General J. E. Wool,
Commanding, &c., &c.,
San Antonio de Bexar, Texas.

Official:

IRVIN McDOWELL,
Assistant Adjutant General.

T.

[Extract.]

Camp near Monterey,
August 19, 1847.

My Dear General: Your letter of yesterday has this moment reached me; and, although I regretted to make any change in my order in relation to the number and description of troops ordered to join the column under the command of General Scott, yet I am induced, on your representation of the state of the feelings which exists among the Mississippi and North Carolina regiments—which, I am deeply mortified to hear, is so highly unsoldierlike and insubordinate—to countermand, for the present, so much of the said order as relates to Captain Deas's company; as you very correctly say, in this state of things, the only troops you could rely on, in the event of meeting the enemy, would be the Virginia regiment, your artillery, &c., including your dragoons and mounted men. The unwarrantable attack made on Colonel Paine, for no other cause but that of doing his duty with zeal, and in a soldierly manner, and compelling those under him to do so, is the most disgraceful and cowardly occurrence which has taken place since the commencement of the present war. The prompt measures you have taken to put down the same, which are entirely approved, I hope will restore a proper state of discipline in that corps, (the North Carolina regiment,) and that it will, for the time to come, by its good conduct, make amends for the errors it has fallen into.

* * * * * * * * *

With respect and esteem, your friend and servant,

Z. TAYLOR.

General J. E. Wool,
United States Army,
Commanding at Saltillo, Mexico.

Official: IRVIN McDOWELL,
Assistant Adjutant General.

U.

Return of the number of persons who have deserted from the Virginia, Mississippi, and North Carolina regiments of volunteers, from the date of their arrival at Buena Vista up to the present time.

Months.	From Virginia regiment.	From Mississippi regiment.	From North Carolina regiment.	Remarks.
May, 1847	.....	.....	.....	The Mississippi, and parts of the Virginia and North Carolina only.
June, 1847	.....	.....	.....	
July, 1847	.....	4	.....	
August, 1847	*10	†3	.....	
September, 1847	5	.....	.....	
October, 1847	4	.....	.....	
November, 1847	8	3	.....	
December, 1847	3	.....	.....	
January, 1848	.....	1	.....	
February, 1848	.....	.....	.....	Returns from Virginia and North Carolina are not received.
Total	30	10	.....	

* Eight previous and two subsequent to August 15, 1847.
† Previous to August 15, 1847.

HEAD-QUARTERS, ARMY OF OCCUPATION,
Assistant Adjutant General's Office, March 14, 1848.

IRVIN McDOWELL, *A. A. G.*

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